



House of Commons
Education and Skills Committee

The Draft School Transport Bill

Third Report of Session 2003–04

Volume I



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Report and formal minutes

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The Education and Skills Committee

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Contacts

All correspondence should be addressed to the Clerk of the Education and Skills Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6181; the Committee's email address is edskillscom@parliament.uk

Footnotes

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated by the memorandum number, eg ST 1.

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Summary

The draft School Transport Bill was published on 8 March 2004. It proposes to set up a number of 'school travel schemes' in local education authority areas. The schemes would enable local authorities to pilot new approaches to school transport, with the stated aim of reducing road congestion caused by the increasing proportion of children who are being driven to school by car each day rather than walking, cycling or going by bus.

The draft Bill would allow local authorities to charge for transport as part of these schemes. At present, transport must be provided free of charge to those pupils who live beyond the 'statutory walking distances' (three miles from school, or two miles for under eights). Under the terms of the Bill, transport will still have to be provided to these pupils, but a charge may be levied. A category of 'protected children', equivalent to those whose family income entitles them to free school meals, would be exempt from charges.

The Government introduced the draft School Transport Bill in response to a vocal lobby from local government and other public bodies. School transport legislation largely dates back to 1944 and is widely perceived as unsuited to the twenty-first century. Our inquiry has confirmed that home to school transport is clearly in need of attention. The increasing number of children who are driven to school each day causes traffic congestion and pollution and endangers children's health. Our aim in undertaking pre-legislative scrutiny of this draft Bill was therefore to make a positive contribution to policy in this area and to improve the Bill, ensuring that when it returns to Parliament in its final form it represents an adequate and effective response to the situation.

We are surprised that more has not been made of this opportunity to legislate. The Government seems confused as to the objectives of its draft Bill. The Secretary of State has said that it will encourage more children to walk or cycle to their local school, yet this does not sit easily with Government policies to increase diversity in schools and to allow for the expression of parental preference: an approach that encourages greater mobility. Pilot schemes are required to reduce congestion, but this target is not quantified and no mention is made of the significant health, environmental and educational benefits that improved home to school transport could bring.

In addition, we have found no evidence that reliable monitoring and evaluation systems are in place to assess the results of the pilots. The Government must now decide what its objectives are, how success will be measured and who will be responsible for carrying out the assessment. All this must be clearly stated in the Bill when it returns to Parliament in its final form.

In monitoring school travel schemes, the Department for Education and Skills will need to be alert to the possibility of unintended consequences. Our report identifies some of these, particularly in regard to pupils with special educational needs (SEN). The DfES must ensure that SEN pupils are not adversely affected by the reorganisation of home to school transport and that the system of SEN statements, by which pupils are guaranteed free transport in line with their level of need, is adapted alongside the transport reforms.

In its present state, the draft Bill does little to encourage those LEAs who are not tackling the issue of school transport to initiate new schemes, whilst unduly limiting the freedom and resources available to those areas that are already innovating. Specifically, we are concerned that pilot schemes will not attract additional funding. We find the Government's claim that travel schemes will be 'cost-neutral' ill-founded. At least in the early stages, pilots will incur consultation and set-up costs that cannot immediately be covered by greater efficiencies or an increase in revenue.

The proposal to charge for transport more widely is likely to encounter opposition from many quarters and may bring legal challenges. At present, guidance issued to LEAs on their legal obligations is insufficient. In this context, we have found many local authorities to be unenthusiastic about piloting new charging arrangements. In addition, we have serious doubts that charging regimes will create significant revenue if charges are limited to what most families would consider an acceptable level.

The draft Bill's proposal to pilot schemes tailored to local circumstances, which may include charging, is sound, but it must be accompanied by a more radical overhaul of legislation, which would allow schemes to adapt school transport strategies to today's social and technological context. If the draft School Transport Bill fails to be effective in encouraging schoolchildren to use a sustainable means of transport, or worse, if schemes drive children away from shared transport (for example, by pitching charges at too high a level), the use of private cars on the school run will increase. This would run exactly counter to the stated aim of the draft Bill. We therefore urge the Government to consider carefully our report as well as those of the Joint Committee on Human Rights and of the Transport Select Committee when deciding which amendments to make to the draft Bill before it comes to Parliament in its final form.

1 Introduction

1. In the Queen's speech on 26 November 2003 the Government announced that a draft Bill would be published in the present session of Parliament 'to enable some local authorities to pilot new arrangements for school transport to reduce road congestion'. The draft School Transport Bill was laid before Parliament on 8 March 2004.¹

2. The Committee announced its inquiry into the draft School Transport Bill on 8 March 2004. Our purpose was to conduct pre-legislative scrutiny of the draft Bill, to examine the value of its proposals and provisions and to consider which amendments should be made in order to improve the Bill.

3. Over the course of the inquiry, we took evidence from Mr Stephen Twigg MP, Parliamentary Under Secretary of State for Schools, Department for Education and Skills; Mr David Jamieson MP, Parliamentary Under Secretary of State for Transport and Shipping, DVO Agencies and European Minister, Department for Transport; Mr Peter Housden, Director General, Schools and Ms Penny Jones, Divisional Manager, School Transport, Safety and Independent Education Division, Department for Education and Skills; Mr Peter Openshaw, Head of Bus Partnership and Regulation Branch, Buses and Taxis Division, Department for Transport; Mr Tim Davies, Chairman, Association of Transport Co-ordinating Officers; Ms Sheena Pickersgill, Director of Corporate Services, Metro, West Yorkshire PTE; Mr Geoff Gardner, Travel Awareness Officer, North Yorkshire County Council; Mr John Sykes, Principal Engineer, Hertfordshire County Council; Mr Allan Edmondson, Head of Coach Services and Mr Steven Salmon, Operations Director, Confederation of Passenger Transport; Ms Kathryn James, Senior Assistant Secretary, Professional Advice, National Association of Head Teachers; Dr Chris Howard, Headteacher, Lewis School, Pengam, Caerphilly; Mrs Dorothy Elliott, Executive Member, National Governors' Council; Mr Martin Ward, Deputy General Secretary, Secretary Heads Association; Mr Tony Neal, Headteacher, De Aston School, Market Rasen; Mr Keith Porteous Wood, Executive Director, National Secular Society; Ms Marilyn Mason, Education Officer, British Humanist Association; Mr Ian Abbott; Ms Oona Stannard, Director and Mr Martin Bradshaw, Legal Adviser, Catholic Education Service; Rev. Canon David Whittington OBE, National School Development Officer, Church of England; Councillor Tony Page, Vice-Chair, Transport Executive & School Transport Working Group, Councillor Ramon Wilkinson Vice-Chair, Education Lifelong Learning Executive & School Transport Working Group and Councillor Patrick Coleman, Wiltshire County Council, School Transport Working Group, Local Government Association; Mr Mike Hirst, Headteacher, Ravenscliffe High School, Calderdale; Mr Steve Broach, Ms Jill Harrison and Mr David Congdon, Special Education Consortium and Mr David Butler, Chief Executive, National Confederation of Parent Teacher Associations. We also received a number of written memoranda submitted by interested parties, which are reprinted as a second volume to this report.

1 School Travel Schemes – Draft Bill, Cm 6151, March 2004.

4. We are grateful for the assistance of our specialist advisers, Dr Sian Thornthwaite, Professor Roger Mackett and Professor Peter White, during this inquiry and for their invaluable advice.

Context

The state of school transport

5. On 7 April 2004, our colleagues on the Transport Select Committee published a report concluding that ‘school transport is in crisis’.² The word ‘crisis’ is often over-used, but there is clear evidence of large increases in public expenditure associated with home to school transport, particularly in the provision of transport for children with special educational needs. Congestion around schools is rising as more and more parents choose to take their children to school by car, often dropping them off on the way to work. Existing school transport legislation, which dates from 1944, is generally perceived to be out of date and unsuited to the modern world. On this basis, successive governments have been lobbied for a change in school transport legislation and on 8 March 2004, Parliament was presented with the draft School Transport Bill.

Legislation

6. The provision of home to school transport by local authorities is currently governed by the Education Act 1996. The 1996 Act was a consolidation Act and the provisions relating to school transport date back to the Education Act 1944. The Education Act 2002 introduced new duties in relation to transport for post-16 students, requiring every Local Education Authority (LEA) to publish a policy statement setting out its level of provision for 16 to 19 year olds, but aside from this measure, legislation has remained unchanged since 1944.

7. The purpose of school transport legislation is to ensure that every child of compulsory school age can get to school. LEAs are required to consider whether transport is needed in order to facilitate a pupil’s attendance at school. If this is the case, transport must be provided by the LEA free of charge. Legislation is based on statutory ‘walking distances’. Section 444 of the Education Act 1996 provides that a parent will be guilty of an offence if their child fails to attend school regularly. However, section 444(4) provides a defence if the parent can show that the child lives beyond ‘walking distance’ of the school. The statutory ‘walking distances’ were laid down in 1944 and are two miles for children under eight years old and three miles for older children. LEAs must provide transport without charge beyond these limits. In addition, LEAs must provide free transport where the walking route within these distances would be unsafe for a child even if accompanied or where transport is required due to a child’s special educational needs.

8. Case law has determined that the statutory provision of free transport extends only to a pupil’s ‘nearest suitable school’ as identified by the LEA, which may not be a parent’s preferred school. A Court of Appeal judgement in July 1994 decided that transport did not have to be provided to any school other than the one that the LEA deemed to be the

2 Transport Committee, Eighth Report of Session 2003–04, *School Transport*, HC 318–I, paragraph 59.

‘nearest suitable’. Other cases have found that LEAs do not have to provide assistance with transport to single sex schools, or in Wales to English or Welsh language schools, where these are preferred by parents, but are not the school designated by the LEA for the area in which the child lives.³

9. In addition to the statutory provision outlined above, the Education Act 1996 gives LEAs wide discretionary powers to provide free or subsidised travel to other pupils, for example to pupils whose parents have chosen to send them to a school that is not their nearest school, commonly on grounds of religious belief, or by reducing the walking distances in their area to offer more generous provision.

Costs

10. Expenditure on home to school transport in England, including discretionary free and subsidised fares, has increased above the rate of inflation over recent years. Between 2000–01 and 2002–03, total expenditure on school transport increased by over 18%, from £560 million to £662 million.⁴ The mounting cost of local authority school bus contracts has been cited as a cause for this rise: in 2003 the average price increase for contracts renewed on a like-for-like basis in English counties was 11.5%. However, this figure masks the fact that contracts are on average renewed on a three-yearly basis and compares favourably with an increase of 16.4% in the cost of public bus contracts.⁵

11. The most common means by which LEAs ensure provision of school transport is to contract-in buses and coaches from Public Service Vehicle operators for services used exclusively or largely by schoolchildren. Some authorities also own their own buses and coaches for this purpose. Alternatively, an LEA may purchase season tickets on behalf of children who then travel on scheduled public transport services (buses or, more rarely, trains), at a price agreed with the operator. Pupils may then use these services for evening or weekend travel as well as the school run.

12. Although children living nearer to school than the statutory limits are not generally entitled to free transport, a proportion do travel by bus where a public service is available. The Department for Transport’s National Travel Survey (NTS) indicates that in 2002, 23% of secondary age children (11–16) used the ‘local bus’ to travel to and from school, compared with 9% on ‘private bus’ (i.e. contract services).⁶ This figure includes children travelling over the statutory distances on season tickets provided by the LEA, but may also indicate substantial use of public scheduled services at shorter distances. In many cases, operators offer lower fares for children, although the age limits and discounts applied to ‘child fares’ vary widely and some children travelling slightly below the statutory distances may incur very high costs. Local authorities do have the power under the Transport Act 2000 to compensate operators for charging concessionary fares to certain categories of

3 ST 1

4 *Children on the Move—accessing excellence*, Local Government Association, p 7.

5 *Local Authority Bus Contracts—Price, Expenditure and Competition Survey 2003*, Association of Transport Coordinating Officers (ATCO). Reproduced in ST 1, Annex J.

6 Department for Transport (2004) National Travel Survey: 2002 (NTS 2002), *Transport Statistics Bulletin*, April 2004, table 6.1.

passenger than they would do commercially, but these are applied by only a small proportion of authorities, mainly in the metropolitan areas.

13. Where contract services are provided, average loads carried are normally high, but vehicle utilisation is often poor. Unless school hours are staggered, only one loaded run may be performed in each direction per school day, and the school year is shorter than the average adult working year. Hence, costs such as vehicle depreciation and management overheads have to be borne by a small output measured in terms of bus-kilometres. The average cost of statutory home to school transport per child in 2001–02 was approximately £570.⁷ On a school year of 190 days this would correspond to about £3.00 per pupil per day, or about £1.50 per one-way trip. In contrast, the average cost for all passenger trips on registered local bus services in 2001–02 in England was 63 pence.⁸

14. A significant and increasing proportion of the school transport budget is now spent on children with special educational needs (SEN). In 2002, around half of total expenditure on home to school transport (£254 million) was spent on pupils travelling to special schools who often have severe medical or emotional/behavioural needs. The average transport cost per special needs pupil is about £3,775, or approximately £20 per day.⁹ LEAs are obligated to provide transport for those children with special educational needs where transport requirements are specified in their SEN statement. When transport for those with special needs travelling to ‘mainstream’ schools (i.e. schools which are not special schools for pupils with SEN) is included, as much as 70% of the total school transport budget could be spent on transport for pupils with special educational needs.¹⁰

15. Mike Hirst, headteacher of Ravenscliffe special school in Calderdale, told us that the increase in costs associated with transporting pupils with special educational needs can in part be ascribed to an increasing level of need:

“People need to recognise that the costs for pupils with special needs are on the increase because the complexity of need is becoming greater. It often surprises me that people do not really have an appreciation of that. The more we try to do for these students the more costly that becomes and I think we are getting better at meeting their needs but there is a consequential increase in cost.”¹¹

16. Local Education Authorities exhibit wide variation in the amount they spend on school transport.¹² Differences in spending naturally arise from geographical variations (per capita local authority expenditure on school bus services is inversely related to population density),¹³ the safety of walking routes to school and the proportion of pupils with special educational needs attending mainstream and special schools. The local transport market can be a major factor, as rates for vehicle contracts vary widely.

7 ST 1, Annex B.

8 Department for Transport Statistics Bulletin SB(03)31 ‘A Bulletin of Public Transport Statistics Great Britain : 2003 edition’, table 26.

9 ST 1, Annex B.

10 ST 1

11 Q 363

12 ST 1 Annex G and H.

13 ST 1 Annex I.

17. Home to school transport costs are also influenced by the use of discretionary powers. The Education Act 1996 (section 509(1)) places a duty on LEAs to provide transport to school for pupils of compulsory school age where it is ‘necessary’ for them to attend their nearest school. It also gives LEAs discretionary powers to provide additional transport subsidies, for example to denominational schools. In these cases, practice varies widely and the authority may pay all or part of the pupil’s travelling costs and may take into account parental income in making its decision. Evidence given to the Committee suggests that there is a general trend towards the withdrawal of discretionary provision with the aim of keeping costs under control. Martin Bradshaw, Legal Adviser of the Catholic Education Service, told the Committee:

“At the moment it varies from free transport available to more or less any child that wants it to no transport whatsoever, and there is an increasing practice, more and more local authorities are now withdrawing discretionary transport.”¹⁴

Congestion

18. Over the past twenty years the proportion of children travelling to school by car has almost doubled.¹⁵ The National Travel Survey 2002 shows that 41% of primary school children and 24% of secondary school pupils are driven to school each day, yet many of these journeys are under two miles.¹⁶ At 8.50 in the morning during term time, one in five cars on urban roads is taking children to school and these trips often form part of a longer journey, most often to the parent’s place of work.¹⁷ **In addition to the statistics, many of our witnesses gave anecdotal evidence that the increase in car use on the school run has reached critical proportions and is a serious cause for concern in terms of its detrimental impact on the environment and on children’s health and wellbeing. Local congestion around schools inconveniences neighbouring residents and poses a serious road safety risk to those children who do wish to walk or cycle.**

19. A minority of children are eligible for statutory free transport. A DfES/Confed survey published in February 2004 shows that around 700,000 pupils in England receive free home to school transport every day. This represents around 10% of pupils overall, although the proportion is higher in rural areas, and includes around 75,000 attending special schools. In Wales, approximately 100,000 pupils (20% of the pupil population) receive free home to school transport. This is a result of geography as well as more generous provision by Welsh LEAs, which often adopt lower walking distances than the statutory minima.¹⁸ Take-up by eligible pupils is close to universal,¹⁹ but the vast majority of pupils and parents are still responsible for making their own home to school transport arrangements.

14 Q 242

15 *Travelling to School: an action plan*, Department for Education and Skills, September 2003, Foreword.

16 Department for Transport, National Travel Survey 2002, table 6.1. The average journey length for pupils aged five to ten is 1.7 miles.

17 *ibid*, table 6.4.

18 Survey of all 22 authorities for the Welsh Assembly Government’s Education and Lifelong Learning Committee, *Local Transport Today*, 3 June 2004.

19 ST 1

20. Campaign groups have persistently lobbied for a change in the statutory walking distances, claiming that the legislation does not reflect modern day lifestyles or safety concerns and that it is unrealistic to expect today's parents to allow their children to make a three-mile journey alone or to walk with them to school. Equally, there are concerns that the existence of a statutory limit is unfair to those living just short of the prescribed distance. Whilst a family living three miles from school may be eligible for free transport, their neighbours across the street who live only 2.9 miles from school have no entitlement at all. This view was expressed in the reports of the Social Exclusion Unit, the Audit Commission, and the Local Government Association on school transport and reflected in evidence given to the Committee. **Whatever our aspirations concerning children's walking habits may be, the fact is that where transport is not provided within the statutory walking distances, many pupils are now being driven to school.**

21. Even where school buses are available on the route to school (either provided free of charge, charged for, or as general public services), we heard evidence that many parents still drive their children to school. Although journeys by bus are statistically very safe and much less dangerous than travelling by private car per occupant kilometre, high-profile accidents involving school buses have damaged parental confidence. In addition, our evidence suggests that travelling on a school bus is an unpleasant experience for many children, due to poor pupil behaviour and the low quality of the vehicles themselves. Kathryn James, Senior Assistant Secretary, Professional Advice, NAHT told us:

“Parents are not going to allow their children to use school buses if they are not guaranteed as far as possible to be a safe form of transport. If you allow the facility to charge that has got to be made attractive enough within a safe enough environment for parents to consider that it is worth spending the money rather than using their own cars to transport.”²⁰

The report on school transport issued by the Transport Select Committee concludes that in many cases the journey to school by bus leaves a lot to be desired. From our own evidence, we would concur with this conclusion.

22. Although most journeys to school made by car are below the statutory walking distance of three miles, the average length of a child's journey to school has increased over the past twenty years. The National Travel Survey shows that in the last decade, the average length of the trip to school for children aged 5 to 10 increased from 1.3 to 1.7 miles and for pupils aged 11 to 16 from 3.1 to 3.8 miles.²¹ Since 1991–93, there has been an increase of 8% in the number of ‘escort education trips’ (journeys solely to take another person to an educational institute) and a 50% increase in mileage.²² This increased mobility may reflect parents' choice of schools some distance from home: a trend encouraged by successive governments' policies promoting parental preference in school admissions and diversity of educational provision. **As Charles Clarke MP, Secretary of State for Education and Skills, recognised when giving evidence to the to Transport Select Committee, children**

20 Q 192

21 Department for Transport, National Travel Survey, 2002, table 6.1.

22 *ibid*, table 4.2. The figures given for secondary school pupils may be inflated in 2002 by under-recording of short walks.

who do not go to their local school are less likely to walk or cycle and are more likely to be driven to school.²³

23. The increase in the average length of a journey is compounded by the fact that some schools, notably faith schools, can be said to have particularly large catchment areas. These schools have historically been sited so as to draw pupils from as wide an area as possible, increasing the average travelling distances to that school.²⁴ This phenomenon is not solely restricted to faith schools, as Tim Davies, Chairman of the Association of Transport Coordinating Officers, told us:

“It was the policy in the Seventies and Eighties to create fairly large comprehensive schools which are now designated community colleges and in some of our rural areas an individual school may well serve 500 square miles of catchment area and 80% of the children are possibly carried into those schools, say 800 out of 1,000 at one or two of our largest schools. In terms of primary schools, whilst at one point there was a move towards area schools that did get reversed and there has been some protection of the smaller primary schools since then. I think what has happened [...] is that even where children 20 or 30 years ago were allowed to walk two miles to a village school from what is still a reasonable catchment area for a village school, parents now take them by car, so there has been a switch there. None of those children have ever been entitled to assisted school transport. From the transport statistics it is very apparent that it is the two to three mile band of car journey distance where there has been the biggest increase in the school run over the last 20 years.”²⁵

24. Advice given to the Committee by academics, local government transport officers, parents, schools and other interested parties has suggested that the increase in car use on the school run will be a difficult trend to reverse. Recent research from University College London shows that 68% of parents who drive their children to school make the trip as part of a longer journey, for example to their place of work.²⁶ This represents a very convenient form of transport, and one that is highly regarded in terms of personal safety, that parents will not be easily motivated to discontinue. Even if children were taken out of these cars, the journeys would probably still be made with no reduction in the number of cars on the road. Congestion might simply be moved away from the school gates to another location. Historically, reductions in congestion or road use have been balanced by the new road users attracted by the quieter conditions. **The difficulties local authorities will face in persuading parents not to drive their children to school do not negate the value of attempting to tackle car use on the school run, but the Government must take account of the true scale of the challenge it faces.**

23 HC 318-ii, Q 207.

24 Q 256

25 Q 181

26 Mackett, R L, Lucas L, Paskins J and Turbin J (2002) ‘Children’s car use: the implications for health and sustainability’, *Proceedings of the European Transport Conference*, held in Cambridge, September 2002 (PTRC, London).

The draft School Transport Bill

25. In recent years, pressure for change to school transport legislation has come from many quarters. In December 1998, the Government established the School Travel Advisory Group (STAG), which assembled representatives of parents, teachers, governors, public transport operators, business, road safety, child health and school transport experts and a range of local authorities to lead the dissemination of best practice, raise the profile of school travel issues, identify practical means of influencing behaviour and develop a coherent approach to school travel. The STAG 1998–99 Report identified an increase in car use and distances travelled and called for better use of the resources devoted to statutory school transport. It recommended that further work be undertaken in the form of pilots, testing whether families not eligible for free transport would be willing to pay for additional public services. In November 2001, The Audit Commission published its report, *Going Places*, which suggested that the Government should integrate school transport into the wider transport agenda and into environment and health policies, reviewing legislation and building on existing regional initiatives. In February 2003, the Social Exclusion Unit report *Making the Connections* was published, advocating greater freedom for LEAs in the management of home to school transport and the extension of choice for low-income families who cannot afford transport to a school that is not their nearest. Most recently, in September 2003, the Local Government Association carried out an independent review of school transport identifying the major problems facing LEAs. It too put the case for greater local flexibility. These reports trace the emergence of a consistent lobby seeking greater legislative freedom and a coherent and positive Government policy on school transport.

26. In September 2003, the Government published *Travelling to School: an action plan* and a companion document *Travelling to school: a good practice guide*, proposing measures aimed at encouraging children to walk, cycle or use public transport to get to school. The health and environmental benefits of using sustainable transport on the school run were highlighted and the document launched the School Travel Plan scheme, an initiative offering small capital grants to schools (£5,000 for primary schools, £10,000 for secondary schools) for facilities such as secure cycle sheds, lockers and bus bays. The action plan also revealed that the Government was considering changing the law to allow some LEAs to pilot new arrangements for school transport, which could include charging for transport where it had previously been provided free of charge. Two months later, the draft School Transport Bill was announced in the Queen's Speech.

27. The draft School Transport Bill is a short Bill, consisting of only six clauses. Its main provisions are to set up a number of pilot schemes, covering up to twenty LEAs in England and six in Wales, to trial new approaches to school transport for **all** the pupils in their area and to allow pilot schemes to impose a charge for transport where it has previously been provided free of charge in accordance with the statutory walking distances. In England, a category of 'protected children', equivalent to those whose family income entitles them to free school meals, will be exempted from charges; in Wales this minimum definition also applies, but may be extended. Pilot schemes will not attract additional funding; the Government argues that the resources currently devoted to public transport could be better used. In the draft Prospectus, a summary of the draft Bill's scope, proposals and objectives, the Government states:

“The main purpose of school travel has always been, and will continue to be, to enable pupils to attend school. Wherever pupils live beyond the current statutory walking distances, LEAs will have to continue to make arrangements for them to travel to school. However, we want scheme areas to go well beyond this minimum, and use the new legislation to support arrangements that offer a range of good quality, cost effective alternatives to the family car on the home to school journey.”²⁷

28. We are convinced that action is urgently needed to improve home to school transport, which suffers from outdated legislation, spiralling costs and a worrying trend towards the use of individual private cars, presenting risks to the environment and to children’s health and wellbeing. We also note that asking parents to express a preference as to which school their child should attend becomes a redundant exercise if suitable transport is not available to enable children to attend the chosen school. We have therefore sought to scrutinise the draft Bill in order to determine whether or not it presents an appropriate response to the rapidly worsening situation.

27 Paragraph 7.

2 Pilots

29. The main aim of the draft School Transport Bill is to trial new approaches to school transport. Under the provisions of the draft Bill, the Secretary of State will approve a number of school travel schemes. The draft Prospectus sets out the nature of these ‘pilots’:

“We intend to approve between 6 and 12 areas in England, covering up to 20 English LEAs, and up to 6 areas in Wales. Schemes may cover all or part of an individual LEA, or else two or more LEAs may collaborate to run a joint scheme. Where LEAs collaborate, each must have a separate application independently approved by the Secretary of State or the Assembly Government. We hope that as many schemes as possible will start in September 2006, running until the end of July 2010, or a later agreed date. Others may apply for approval to run schemes from September 2007 if there are fewer than 20 applications approved in the first round. We are seeking a balanced mix of schemes embracing rural and urban areas and focusing on a range of local priorities.

DfES and the Welsh Assembly Government will separately evaluate schemes and separately decide by 31 July 2011 whether or not the local scheme approach should continue and/or be extended to more LEAs. If either DfES or the Welsh Assembly decides to return to the old regime, scheme authorities will be able to terminate their schemes over a period of time by mutual agreement”.²⁸

Innovation without legislation

30. Evidence given to the Committee by local authority representatives, transport operators, schools and other interested parties strongly suggests that a wide range of innovative transport schemes are already running in different areas without the need for new legislation. These schemes are trialling a range of approaches, from the ‘yellow bus’ to the ‘walking bus’.²⁹ Whilst most of our witnesses welcomed the Bill, saying that it promoted sustainable travel with environmental and health benefits, when pressed on the details of its provisions, most admitted that it would be perfectly possible to implement such schemes under the existing legislation. Evidence given by Tim Davies, Chairman of ATCO, typified this view:

“We certainly needed the action plan to focus attention on innovation and doing things differently. There is a lot wrong with the present school transport system [...] maybe it is not absolutely necessary to have a Bill, but we do need to get some innovation and pilots clearly are a good way forward to test out the different approaches”³⁰

31. Some witnesses claimed that the Bill might be detrimental to existing innovative travel schemes based around walking. Despite the Government’s assertion that ‘schemes do not

²⁸ Paragraphs 5 and 6.

²⁹ The term ‘walking bus’ denotes a scheme where children walk to school in a group accompanied by an adult along a designated route, picking up pupils along the way.

³⁰ Qq 111, 112.

have to enhance bus travel: they could focus in whole or in part on increasing cycling, car sharing or walking’;³¹ we detected a widespread perception that pilot schemes approved under the terms of the Bill would largely be concerned with motorised transport and the effect of charging. This view was expressed by John Sykes, Principal Engineer with Hertfordshire County Council, an authority that has a number of travel schemes in place, which encourage children to walk to school:

“My concern about the Bill is that it does not have those additional holistic overviews of other things which are happening that should be built into pilots. We have done a lot of research with University College London around linking our messages around health, independence and safety. Those three areas are key areas for most parents and most parents will react to those key areas at some stage in their child's development. What this Bill does not seem to pull out is that it is an important issue to address for whatever pilots come out of this programme [...] it does contain all of those elements. Perhaps the Bill needs to be slightly more prescriptive in terms of the wider elements that are expected within this, otherwise what you are going to get is a series of pilots that start to unpack school travel around secondary children on buses and that will be it.”³²

32. We have been impressed by evidence that walking or cycling to school leaves children ‘aerobically excited’ and ready to learn when they arrive at school. Childhood obesity is rising, but walking or cycling to school offers health benefits that can equate to two hours of PE per week.³³ Existing legislation presents no barrier to the creation of innovative school travel schemes based around walking or cycling. **We recommend that the Government places an expectation on all local authorities, not just pilot authorities, to promote walking and cycling to school.**

33. Walking and cycling are also environmentally sound means of transport. If children switch to these forms of transport instead of arriving at school in private cars, this will reduce congestion and CO₂ emissions in the area around schools. **Local authorities should be required to include the promotion of walking and cycling to school as part of their travel scheme proposals.**

A local approach

34. The structure of pilot schemes proposed by the draft Bill allows for significant local flexibility in the implementation and management of school travel schemes. In the draft Prospectus, the Government states that in approving travel schemes, it will give weight to local needs:

“All schemes must aim to cut car use on the home to school journey. Beyond that, they must focus on local priorities and may improve provision for one or more of the list below [...] This list is not exhaustive, and we recognise that there could be compelling local circumstances which suggest that an LEA should adopt different

31 Draft Prospectus, paragraph 7.

32 Q 120

33 Mackett R L, Lucas L, Paskins J and Turbin J (2004) ‘Cities for children: the effects of car use on their lives’, *Proceedings of the Walk 21–V Cities for People Conference*, Copenhagen, Denmark, 9–11 June 2004.

priorities. We will take a flexible approach provided applicants provide a reasoned explanation of how schemes meet local needs.”³⁴

35. Local authorities have for a long time lobbied for more local flexibility in the provision of home to school transport and the structure of pilots was welcomed in evidence submitted by the LGA, ATCO and others. Other witnesses expressed concern that a local approach might unfairly advantage or disadvantage one regional group of parents and pupils compared to another. Dorothy Elliott of the National Governors’ Council said: “The danger with the pilots is when you have LEAs in one area operating in one way and LEAs in another area operating in another way. There has got to be some consistency.”³⁵

36. We are convinced that a more flexible and localised approach is the only sensible way to approach home to school transport. However, the Government must make clear which basic safeguards are to be retained within the pilot schemes, particularly in regard to children who live a long way from their nearest school, to those with special educational needs and to low-income families who would find it very difficult to afford transport charges. **If basic entitlements to transport are to be retained on the grounds of distance, income or special educational needs, this must be clearly and explicitly written into the Bill. This would allow local authorities to conduct experimental pilot schemes whilst meeting their obligations to particularly vulnerable groups.**

Funding of pilots

37. The school travel schemes approved under the terms of the draft School Transport Bill will not attract any additional funding. The Government has said it expects pilots to be cost-neutral and that better use can be made from the existing resources devoted to public transport. Giving evidence before the Transport Select Committee, the Secretary of State for Education and Skills said, “I think any authority which says, ‘We have not got the money to address this problem properly’, is not spending enough time thinking about how it could use its resources in a most effective way”.³⁶ As DfES officials told us, “the evidence of successful schemes suggests there is quite a bit of mileage to get greater efficiency out of the £2 billion [of public money that is subsidising transport in local areas]”.³⁷

38. The Government’s raw figure of £2 billion spent on public transport is not an accurate representation of the resources available to be spent on home to school transport. The figure includes items such as concessionary fares for the elderly and support for socially necessary evening and weekend bus services, which, if cut, could cause serious consequences and which would not be easily integrated or shared with school transport provision. We were pleased to note that the Parliamentary Under Secretary of State for Schools, Stephen Twigg MP, admitted as much when pressed by the Committee, saying “£650 million is much closer to the mark”.³⁸ The Audit Commission has recently made recommendations on more effective management of the resources allocated to school

34 Paragraph 8.

35 Q 202

36 Q 212

37 Q 8

38 Q 474

transport in recent reports.³⁹ **It may be possible to use existing transport resources more economically through integration and rationalisation, but the Government's raw figure of £2 billion is highly misleading and should not be quoted as a measure of the funding available to local authorities for school travel schemes.**

39. In evidence, local authorities consistently pressed for 'pump-priming' money to be made available in connection with the school travel schemes that the draft Bill proposes to set up. The draft Prospectus states that LEAs are expected to initiate a thorough consultative process before submitting their application and to have secure monitoring and evaluation mechanisms in place. Councillor Patrick Coleman of the LGA estimated that the sums required would not be large, but would make all the difference: "we would need to set up somebody to drive this project forward, so you would be looking, I would imagine, at £100,000 to £150,000, which would enable staff to be employed on perhaps a part-time basis".⁴⁰ It is significant that the LGA, one of the most vocal supporters of the Bill, said that without the addition of initial funding, the Bill is doomed to failure, warning:

"unless there are those sort of amendments made I do not think you will see the innovation that the Government would like to see coming forward and we would like to see coming forward. The issue of pump-priming is fundamental to all of this. If the Government embraced all the changes we are putting forward and said, 'We are not going to come up with any pump-priming', unfortunately a lot of us will have wasted a lot of time."⁴¹

40. Under the provisions of the draft Bill, the only means by which additional revenue funding can be acquired is via the implementation of charges for transport where it was previously provided free of charge. The draft Prospectus states that local authorities may charge for transport, provided that any revenue is ploughed back into school transport. It adds that 'any charges must be affordable and pitched at a level that does not produce an increase in car journeys to school'⁴² and suggests a maximum fare of £1 per child per day. The LEAs from whom we took evidence stated that they were unlikely to introduce charging in their areas.

41. The draft Bill's proposals to charge for transport where it has previously been provided free of charge in accordance with the statutory walking distances are intended to generate enough revenue to finance an improved bus service. This would attract pupils currently travelling shorter distances by car onto the bus, producing a net reduction in car use. Our evidence suggests that there is a serious question mark over this assumption. The tables in Annex A, compiled by Professor Peter White, specialist adviser to the Committee, illustrate what might happen if charges were imposed where travel is currently provided free of charge in four possible scenarios. The figures shown are not forecasts, since there is very little 'hard' data available at present on the impacts of charging, but suggest a range of outcomes. Cases A and B represent positive outcomes, but could be dependent on rather optimistic assumptions about the lack of price resistance by those now travelling free of

39 *Going Places: Taking People to and from Education, Social Services and Health Care*, The Audit Commission, November 2001.

40 Q 334

41 Q 351

42 Paragraph 21.

charge, and attractiveness of improved buses to those now using cars. Some diversion from walking and cycling would also be likely to occur.

42. Sheena Pickersgill, Director of Corporate Services for West Yorkshire PTE, which is responsible for a 'yellow bus' scheme,⁴³ told us that the average cost of a seat on a yellow bus is £2.28 per child per day. This is less than the average of £3.00 per pupil per day for all mainstream pupils with statutory entitlement, although 'yellow bus' schemes also carry children over shorter distances than the minimum walking distances of two and three miles.⁴⁴ Ms Pickersgill's scheme is to be greatly expanded across West Yorkshire, supported by a substantial Government grant of £18.7 million. **Compared to the large Government subsidy given to some transport schemes, the request from local authorities for £100,000 of pump-priming funding for the life of a scheme seems miserly.**

43. As we have indicated, £650 million per year is currently spent on home to school transport. This is a lot of money and there may well be further advantage to be drawn from these funds through better integration and more effective management. It is to be hoped that some of the pilots schemes set up under the Bill will turn up possibilities for efficiency savings. But it is unreasonable to expect pilot schemes to function at full stretch from day one; changes in behaviour and travel mode shifts will be gradual and may occur over months or even years. Equally, money will need to be spent in the initial stages on administration, consultation and development in order for the scheme to be viable and to be approved. Further, there is a serious question mark over the extent of the revenue authorities can expect to gain from charging. Some school travel schemes will also require funding for capital investments. Capital funding for travel schemes is available to local authorities through the Local Transport Plan process and, to a lesser extent, the School Travel Plan initiative, which is limited to school site improvements. In contrast, revenue funding is severely limited and again may take months or years to emerge as take-up of the new services grows.

44. We believe that there is a good case for pump-priming funding to be provided in some form to school travel schemes approved under the terms of the Bill. This case is strengthened by the relative inflexibility of transport resources and the pressure placed on LEAs by the Government to pass as much as possible of their education funding directly to schools. Funding would cover the initial consultation and administration costs vital to the success of schemes. In reaching this conclusion, we concur with the findings of the Transport Select Committee and of the Education and Lifelong Learning Committee of the Welsh Assembly.⁴⁵ **Evidence from all sides has shown us that the draft Bill is not currently perceived as a cost-cutting measure, but as a genuine opportunity to develop alternative approaches to home to school transport. If the Government wishes to perpetuate this perception, it should seriously consider providing funding to the schemes.**

43 Yellow Bus schemes are inspired by the US model of school bus provision, offering a dedicated vehicle and driver. A number of schemes have been trialled in the UK and have charged for transport under the three-mile walking distance.

44 J Parkin, F Mcquodale and S Pickersgill 'Innovation in education transport : developments in West Yorkshire', *Municipal Engineer*, March 2004, pp 33–38.

45 ST 35

Monitoring and evaluation

45. The draft Prospectus contains one paragraph describing the proposed evaluation of school travel schemes:

“LEAs with approved schemes will be required to produce an annual report for DfES or the National Assembly as appropriate, which contains statistics on home to school travel, analysing the effect that schemes have had in reducing car use on the school run. It should contain an account of what has gone well and badly, and the views of key partners. It must also contain financial annexes, detailing the economics of schemes. DfES will commission an independent evaluation of English schemes which will draw together an analysis of each scheme, and provide evidence for the decision about whether or not to roll out the school travel scheme approach after the pilot phase ends.”⁴⁶

46. The process of monitoring and evaluation of school travel schemes will be vital to the success of the initiative. In order to determine the extent to which the travelling habits of pupils has changed and whether the pilot schemes can take credit for any shift, it will be necessary to take careful baseline and control measurements from the start and to perform a rigorous evaluation of the data throughout the life of the pilot. When the department comes to decide which pilot schemes are to be rolled out, it will also require a robust means of comparing different pilot schemes, which may vary significantly in their characteristics. **The DfES has told us on numerous occasions that it adopts an evidence-based approach to the development of policy. The draft School Transport Bill offers an ideal opportunity for the Department to demonstrate its commitment to this approach.**

47. It is not possible to categorise pilot schemes as successful or unsuccessful without deciding in advance what constitutes success, yet no specific targets for schemes are set in the draft Bill or its supporting material. **The draft Prospectus states that all schemes must aim to ‘cut car use’ on the school run. This target is unhelpful: the removal of a single car from the road would technically fulfil this criterion, yet few would judge this a successful result. This imprecision also makes local authorities’ task of preparing applications for pilot schemes harder than it need be.**

48. Cabinet Office guidance states that policy should be SMART—specific, measurable, achievable, realistic and time-dependent—providing a clear picture of the problem to be overcome, facilitating the identification of options for delivery and establishing the success or failure of the selected option.⁴⁷ We have not detected any SMART targets associated with the draft School Transport Bill. Clearly, the specific numerical targets for school travel schemes will vary significantly in different local authorities. One way to deal with this is through the adoption of relative targets (e.g. a 20% reduction in the number of children travelling to school by car within three years, or a 5% reduction in CO₂ emissions near schools) agreed against a baseline date and measurement. **We would urge the Department to consider the viability of setting targets for the evaluation of school travel schemes using relative measures, such as a percentage decrease in congestion near schools or in the number of children travelling to school by car.**

46 Paragraph 34.

47 Cabinet Office, *Better Policy Making: A Guide to Regulatory Impact Assessment*, paragraphs 2.12–2.16.

49. The draft Prospectus provides a list of possible benefits against which travel schemes might be measured. These include an improvement in the provision of transport to denominational or Welsh-language schools, the use of modern technology in route-planning, innovative purchasing arrangements and expanded post-16 provision. We believe that successful school travel schemes could bring great benefits in terms of environmental improvements, social interaction, educational opportunities through curriculum enrichment and health and fitness. Transport will also have a vital part to play in the development of the extended school day. Government policy sees the school as a centre for the community through initiatives such as the ‘extended school’ programme. This will mean that schools increasingly open their facilities to the wider community, offering extracurricular activities at the beginning and end of the traditional school day, for which transport must be made available.

50. **In the light of the wide range of potential benefits to be gained from improved home to school transport, the stated prime criterion of reducing car use seems too narrow in scope.** Although many of these factors are difficult to measure, the challenge of defining an assessment framework should not deter the Government from undertaking a full and exhaustive evaluation of the effect of pilot schemes and disseminating its findings as widely as possible in order that others may learn from the experiences of pilot authorities. This may well require cross-departmental co-operation in order to draw in expertise from a number of different areas.

51. Monitoring and evaluation of pilot schemes must be particularly alert to unintended consequences, which may affect especially vulnerable groups such as disabled pupils or pupils with special educational needs. Officials from the DfES and the Parliamentary Under Secretary of State for Schools told us that these criteria would be taken into account when assessing pilot schemes, yet this is not clearly stated in the draft Bill. **School travel schemes should be required to measure their impact on low income families and on disabled pupils and pupils with special educational needs. This requirement should be explicitly spelt out on in the Bill’s Prospectus and in guidance given to LEAs.**

52. The DfES has suggested that monitoring and evaluation exercises could be carried out in the classroom as part of the school curriculum. This suggestion has not been universally welcomed. Martin Ward of the Secondary Heads Association commented, “As this Committee well knows schools have innumerable duties placed on them and to be at the beck and call of yet another set of enthusiasts, which is essentially what the situation appears to be here, is simply a step too far for schools.”⁴⁸ We too are cautious about imposing another requirement on schools, but for those schools that perceive a value in undertaking this activity, such exercises could enrich the teaching of subjects such as numeracy and citizenship.

53. The issue of evaluation and monitoring is clearly an area where the draft Bill needs further work. Evaluation criteria and monitoring techniques must be carefully thought through. Mr Twigg told us that he recognised this deficiency, saying “We need to do further work as to exactly what the nature of that evaluation will be. We need to sit down

pilot authority by pilot authority to get some shared objectives.”⁴⁹ He went on to describe the possibility of collecting data through the Pupil-Level Annual School Census (PLASC):

“...this will enable us to ask pupils as part of that census: How do you usually come to school? and to have what will be a very accurate figure one year that we can compare with the figure the next year and the year after. If we can get that up and running in all of the pilot authorities, or at least some of them, we will have a very, very clear basis for making an evaluation.”⁵⁰

The use of PLASC may be one way to ensure reliable and continuous monitoring of pilot schemes, but this proposition is not mentioned in the draft Bill or its accompanying documents.

54. The draft Bill is vague on the details of monitoring and evaluation and does not make clear who will be responsible for carrying out assessments effectively. It does not set clear targets for pilot schemes and fails to set targets in areas other than congestion. Improved home to school transport could bring benefits in a number of areas, for example:

- Health: combating childhood obesity and encouraging exercise habits that will last a lifetime.
- Environmental impact: reducing harmful emissions near school and taking congestion away from the school gates.
- Curriculum enrichment: improved transport provision could facilitate field trips, out-of-school and after-school activities. If the Government wishes to pursue a policy of school diversity, enhanced transport provision will be necessary in order to make parental preference a reality for more families. This may result in an increase in mobility and hence in the distance pupils travel to school.

The draft Bill is a missed opportunity to promote policy across these areas.

55. The Government must first decide exactly what it is attempting to achieve by means of the draft Bill and then establish a rigorous monitoring and evaluation framework to assess the effectiveness of pilot schemes in achieving those objectives. Schemes that begin without proper monitoring systems in place will not produce reliable results and will jeopardise the credibility of the project as a whole.

The Draft Regulatory Impact Assessment

56. The draft Partial Regulatory Impact Assessment is a significant weakness of the draft Bill as it stands. The purpose of a Regulatory Impact Assessment (RIA) is to provide “an assessment of the impact of policy options in terms of the costs, benefits and risks of a proposal”.⁵¹ A partial RIA should have worked-up options, developed thinking on compliance and monitoring and refined cost and benefit estimates⁵² The

49 Q 494

50 Q 497

51 Cabinet Office, *Better Policy Making: A Guide to Regulatory Impact Assessment*, paragraph 1.1.

52 *ibid*, paragraph 3.1

.draft School Transport Bill's Partial RIA does not fulfil this function and does not currently provide an adequate basis for pre-legislative scrutiny.

57. The draft Partial RIA outlines the risks of the present state of home to school transport in terms of increasing congestion, environmental damage and poor provision. It does not assess the risks inherent to the new structure proposed by the draft Bill or set out strategies to manage those risks. Risks to the success of the school transport proposals include: a lack of quality applications from LEAs; a lack of tenders from commercial bus operators; the possibility of joint applications from two or more LEAs being submitted where only one LEA is deemed suitable for approval; the applications submitted not covering the range of geographic, socio-economic or socially excluded groups the department wishes to target; the failure of pilots to run within existing school transport budgets.

58. The draft Partial RIA does not justify the Government's proposals on home to school transport or detail the evidence behind them. In particular, there is a lack of supporting evidence for the assumption the pilot schemes can be funded out of existing LEA transport budgets, which underpins the Department's approach; a lack of clearly defined and measurable objectives for the legislation; a restricted consideration of alternative options to the draft legislation (two alternative options are mentioned: doing nothing or deregulating entirely: there is no justification of the decision to run pilots in twenty areas rather than ten or thirty); and there is no quantified demonstration that the benefits of the preferred option outweigh the costs. The potential effects of unintended consequences such as moving congestion hot-spots to another location or shifting children who currently walk or cycle onto the bus are not fully explored and a monitoring and evaluation framework is not clearly identified.

59. There is much work to be done to produce a robust final Regulatory Impact Assessment that will accompany any School Transport Bill presented to Parliament. As Cabinet Office guidance indicates, RIAs should not be considered a mere formality, but should provide a thorough cost-benefit analysis of the Bill's proposals and an assessment of any risks to the effectiveness of its provisions.

Timescale

60. The draft Prospectus states that "as many schemes as possible will start in September 2006, running until the end of July 2010, or a later agreed date. Others may apply for approval to run schemes from September 2007 if there are fewer than 20 applications approved in the first round [...] DfES and the Welsh Assembly Government will separately evaluate schemes and separately decide by 31 July 2011 whether or not the local scheme approach should continue and/or be extended to more LEAs. If either DfES or the Welsh Assembly decides to return to the old regime, scheme authorities will be able to terminate their schemes over a period of time by mutual agreement."⁵³

61. School travel schemes must be given sufficient time to prove their worth. Short term changes in behaviour may not be sustained over the school year or over successive school years as parents' school choice is influenced by the nature of the transport provision that is available. **2011 seems a very long time to wait for a solution to be found to school**

53 Paragraphs 5 and 6.

transport that can be implemented nationwide. We therefore recommend that the Department looks into the possibility of running shorter pilot schemes or of evaluating currently existing initiatives to determine what works best. This Committee has heard of much good practice that could already be spread more widely.

Powers to repeal or extend

62. The draft Explanatory Notes set out the powers of the Secretary of State in relation to school travel schemes. The draft Bill

“gives power to the Secretary of State and National Assembly to provide by order that the new provisions will cease to have effect in England or Wales, as the case may be. Such an order may contain transitional provisions and, if made by the Secretary of State, is subject to affirmative resolution. Subsection (3) provides that the earliest date on which the new provisions could cease to have effect under such an order is 1 August 2011.

It is envisaged that an order under this clause would be made if, as a result of the piloting of the new provisions under clause 2, the effects of the new provisions are not considered a success. If an order is not made the new provisions will continue after the pilot is completed and there will then be no limit on the number of participating LEAs.”⁵⁴

This effectively means that in 2011 the pilot schemes will be reviewed by the Secretary of State and by the National Assembly, who will decide which schemes, if any, have been a success. This decision to repeal or to roll out schemes will be implemented via secondary legislation.

63. In its report on School Transport, the Transport Select Committee concluded:

“In effect, the Secretary of State for Education in England and the National Assembly in Wales would have power to determine the way in which school transport should be provided, without any further report on the success of schemes, or sanction by Parliament. This is not acceptable.”⁵⁵

64. We share the unease of the Transport Select Committee in regard to the nature of the powers that the draft Bill confers to the Secretary of State. The wording of the Bill does not make clear how the rollout will be effectuated and the effect on local authorities who have not participated in the pilot programme. **The conclusion and evaluation of the school travel schemes should be the occasion for a report to Parliament.**

⁵⁴ Paragraphs 15 and 16.

⁵⁵ Conclusions and Recommendations 21.

3 Charging

65. The draft Bill amends legislation to allow local authorities to charge for transport where it was previously required to be provided free of charge. Where a child of compulsory school age lives at least three miles from school (or two miles for under eights) transport must still be made available but it may now be charged for. The draft Prospectus states:

“Scheme applications must set out local charging policies, making it clear how many pupils will be charged, and the level of any proposed charges. Detailed proposals must be included in local consultations. Any charges must be affordable and pitched at a level that does not produce an increase in car journeys to school. Our legislation will protect children from low income families who attend their nearest suitable school, but LEAs must ensure that their charging policies comply with the European Convention on Human Rights (ECHR).”⁵⁶

Who pays?

Protected children

66. The Bill makes provision for a category of ‘protected children’ to be exempted from charges for school transport. The definition of ‘protected children’ is set out in the draft Explanatory Notes:

“Pupils from low income families may not be charged for travel arrangements made under the scheme [...] For England such ‘protected’ children are defined as those eligible for free school lunches and milk under section 512ZB(4) of the Education Act. For Wales the definition will be set out in Regulations. It will also encompass pupils eligible for free school lunches and milk.”⁵⁷

67. **We consider that an exemption based on ability to pay is generally speaking a fairer charging policy than one based on an arbitrary cut-off distance. But we have serious reservations about the adequacy of ‘free school meals’ as a definition for the category of protected children.** Many families eligible for free school meals do not claim their entitlement. In these cases, local authorities may have difficulty in ascertaining who is eligible for free transport. Free school meal entitlement is available to those whose family income is below £13,200 per year. Families whose income is just above this level, particularly large families, may be significantly disadvantaged by the new regime and the ‘cut-off’ income level may cause just as much inequity as the arbitrary limits of walking distances.

68. The draft Bill proposes that those children eligible for free school meals should also be entitled to free transport and that pilot schemes will be able to extend the entitlement to other groups. **We urge the Department to ensure that the schemes it approves give**

⁵⁶ Paragraph 21. Our evidence suggests that fares approaching £1 per child per day are likely to produce an increase in car use. (ST 5 and ST 21).

⁵⁷ Paragraph 13.

proper consideration to income-based eligibility for free transport. It is our view that a more sophisticated entitlement than ‘free school meals’ should be developed using alternative measures such as the working tax credit.

Special educational needs

69. Approximately half of the expenditure associated with home to school transport is spent on transporting children with special educational needs (SEN), yet the draft School Transport Bill makes little reference to provision for these pupils. A paragraph in the draft Prospectus encourages local authorities to place pupils with special educational needs on ‘mainstream’ transport wherever possible:

“Scheme applicants must describe how their proposals cater for pupils with SEN. Our presumption is that wherever possible pupils with SEN will share transport with their peers, but that where this is not possible LEAs will make every effort to identify ways to combine journeys and—if possible—share vehicles and schedules with social services or health service transport.”⁵⁸

This is the only reference to SEN transport provision in the draft Prospectus.

70. Local government representatives told us that authorities would be keen to move towards ‘mainstream’ transport in order to contain the growing costs of SEN transport. Councillor Ramon Wilkinson of the LGA said:

“I think you can take it as read that every pilot will be looking at the question of special educational needs transport, because you are right, it is growing like Topsy every year. Most LEAs are struggling with these sort of costs [...] as far as Cambridgeshire is concerned, we have 1,200 special needs pupils who use home-school transport, mostly through the private sector, so we have taxis and private vehicles. That is quite an expensive service.”

Councillor Tony Page added:

“...there is sometimes a false view that somehow all children with special educational needs cannot use public transport, and that is wrong. Indeed, there is a case for saying that it is sometimes part of the “therapy” to encourage the use of public transport, so clearly there is scope within these pilots to address that.”⁵⁹

71. We took evidence on the practicality of transporting more pupils with special educational needs on ‘mainstream’ transport. For those children with less severe needs, it is desirable that transport be shared as an aid to education and inclusion, a move supported by many campaigning groups. In their evidence, the RNIB “welcome the suggestion that more children with SEN and disabilities will travel with their peers. This will hopefully reduce the barriers between disabled and non-disabled children”.⁶⁰ We learnt from those working with children with special educational needs that moving children onto

⁵⁸ Paragraph 27.

⁵⁹ Q 344

⁶⁰ ST 6

‘mainstream’ transport is often a complex task. Mike Hirst, Headteacher of Ravenscliffe School, Calderdale, described his school’s ‘independent’ travel programme:

“We have developed over the last two or three years a system whereby we now have students making their way to school. Five years ago that would not have happened. You cannot just say to them on Friday, ‘On Monday you are on getting public transport’. It is a twelve-month process to educate them, to build them up to that with support from staff doing daily transport activities to get them there, and that is costly.”⁶¹

72. The shift to ‘mainstream’ transport for children with special educational needs should not erode individual provision where it is necessary for those pupils with severe needs or particular conditions, which make sharing transport particularly inappropriate. Equally, it cannot be assumed that pupils can simply be switched from taxis to public buses overnight—substantial support must be provided.

73. The draft Bill recommends that local authorities attempt to integrate school transport for SEN pupils with other transport services such as health and social services. There is a long-standing duty on local authorities under the Transport Acts to co-ordinate passenger transport, social services and education transport to ensure value for money. Tim Davies, Chairman of ATCO, told us that integration of services is already happening:

“I think I could now estimate that about 70% of all councils who have a school transport responsibility are actually planning and managing the delivery of school transport through a co-ordinated transport management unit [...] It certainly is across school transport, local bus services procurement, social services and many others. Many of the more forward looking authorities are now working with their local health trusts to incorporate health transport as well.”⁶²

74. School travel schemes may well find that there are savings to be made through the integration of passenger transport services and by placing SEN pupils on ‘mainstream’ transport. These are not ‘quick-fix’ solutions or appropriate to all circumstances; these schemes will require careful development and planning.

75. We have received representations from a number of SEN campaign groups, that pupils with special educational needs should be exempted from charges and included in the category of ‘protected children’. Steve Broach, Assistant Director, Parents’ Autism Campaign for Education (PACE) said, “we see transport as like any other type of provision for children with special educational needs, and the principle that applies to SEN provision is that where a child has needs that are additional to or different from those of children of a similar age, that provision should be provided by the local education authority” and David Congdon, Head of External Affairs, Mencap pointed out that “very often the families of disabled children are worse off financially than people generally”.⁶³

76. Representatives of SEN campaign groups also argued that if free transport were withdrawn from pupils with special educational needs, this could produce the unintended

61 Q 367

62 Qq 108, 110

63 Q 353

consequence of an increase in SEN statements. SEN statements allow for the specification of transport needs considered essential for the child to attend school. If transport needs are specified, LEAs are under a legal obligation to provide that transport free of charge. This requirement would be unchanged by the draft School Transport Bill. If parents believe that they are likely to be forced to pay for transport under a pilot school travel scheme, this could lead them to press for a statement of special educational need in order to ensure they continue to benefit from free transport. The net result of this would be to increase the number of statements issued or to increase the number of statements specifying transport, both consequences that would run counter to current DfES policy, which aims to reduce the number of SEN statements and for statements not to specify transport.⁶⁴

77. The provision of transport for pupils with special educational needs is not given adequate consideration in the draft School Transport Bill and its supporting material. SEN transport should be a priority for school travel schemes set up under the terms of the Bill. Schemes will have to offer a complex range of transport facilities to suit the broad spectrum of need covered by the term ‘SEN’ and costs will necessarily increase as services get better at providing for pupils with the highest level of need. We agree with Mr Congdon in his assessment that the Bill does not primarily concern itself with the details of SEN transport and thus treats it in a manner that could produce unintended and detrimental consequences: “...if we were starting from scratch, you could integrate the transport side very clearly within the statutory framework for special educational needs. We are not though. We have got a Bill that is trying to do something else”.⁶⁵ Whether guidance is produced as part of this Bill or in a separate SEN strategy document, the Government should set out LEAs’ responsibilities in regard to pupils with special educational needs and parents’ entitlement more clearly.

Distance

78. The charging regime proposed by the draft Bill states that charging for bus fares could result in an expanded service, transporting not only those children who live beyond the statutory walking distances, but also those who live within it and are currently being driven to school. Issues of fairness and cross-subsidy arise where this model is adopted, particularly in rural areas. As Steven Salmon, Operations Director, Confederation for Passenger Transport, explained:

“It seems to us there is a paradox in the Bill in that the areas where there is a large proportion of people travelling and, therefore, potentially the largest yield from a scheme, if it were put in, are not the areas where school run congestion is the biggest problem. In a county like Devon, which I know reasonably well, you might want to yield some money from charging people from the rural areas but spend it all on measures in Exeter, but that might not be considered fair or reasonable.”⁶⁶

64 Department for Education and Skills, SEN Code of Practice, November 2001.

65 Q 374

66 Q 163

The way in which the revenue gained from transport charges is spent will be specific to a local area. **The Department should be alert to local conditions which may create inequities.**

79. The preservation of the requirement for LEAs to provide transport beyond the statutory ‘walking distances’ in the draft Bill appears intended to provide a safeguard for those children who live a long way from school. But under the terms of the draft Bill, LEAs may have difficulty in determining the extent of this commitment. For example, LEAs may wonder how long into the school term a seat on a bus must be kept available if it is not claimed, in order to ensure compliance. Questions such as this may well cause difficulties in network planning and management.

80. The Committee took evidence both in favour of and against the preservation of statutory walking distances, whether at the current limits of two miles for under eights and three miles for older children, or at some other distance which more accurately reflects the distances children are prepared or allowed to walk in the modern world. Tony Neal, Headteacher of De Aston School, Market Rasen, a school in a rural location, argued that an entitlement to free transport beyond set walking distances should be preserved:

“The substantive change which the Bill produces is the ability to charge and we do believe that although a lot has been said about those people who live less than three miles from school very little has been said about those who live more than three miles from school. Three miles might not be the right cut-off, that might be out-of-date, but fundamentally we believe there should be a safeguard by which free transport is guaranteed to the parents of all pupils who do not have a school within X miles of them; and X may have to be less than three.”⁶⁷

Equally, there is a good argument to be made that children living much closer to school should be expected to walk or cycle. The problem in setting rigid distance criteria is that individual local circumstances can always be found where exceptions need to be made. **We recommend that the pilot schemes set up under the draft Bill investigate the setting of local walking distances. At the conclusion of the travel schemes, the Department should consider the possibility of setting revised statutory limits, taking into account age, the safety of the route and the time it would take to walk.**

The effect of charging on car use

81. The draft Bill aims to strike a balance between generating revenue to expand services by charging for transport and creating a disincentive to bus use due to the expense. The draft Prospectus states that “any charges must be affordable and pitched at a level that does not produce an increase in car journeys to school.”⁶⁸ Other witnesses have criticised this idea. Martin Ward, Deputy General Secretary, Secondary Heads’ Association said, “If you want to encourage people to use buses, do not charge them for it.”⁶⁹

67 Q 188

68 Paragraph 21.

69 Q 202

82. There have been mixed results where charging for buses has been introduced. A number of yellow bus schemes have proved popular despite the price.⁷⁰ However, these schemes have operated in targeted areas and have also attracted a proportion of children onto buses where they previously travelled by foot or by bicycle. In contrast, where charges have been introduced for post-16 transport without changes to the quality of services, bus use has declined significantly in some of these authorities. It is the aim of the pilots to demonstrate whether or not charging regimes can produce revenue and improve provision. We would not wish to prejudge negatively the results of these pilots. **Our evidence suggests that an improvement in the level and quality of service is necessary for charging to succeed. A simple overnight increase in costs is likely to cause unacceptable increases in car use. Schemes proposing the introduction of charging should be carefully evaluated and monitored to measure their impact on car use.**

Charging and school choice

Diversity and mobility policies

83. The existence and quality of home to school transport provision is a factor many parents take into account when making applications for their children to attend a particular school. Successive Governments have attempted to introduce more parental preference into the admissions system, but concordant adjustments to the transport system have rarely, if ever, formed part of their policies. Clearly, the expansion of parental preference presents the prospect of increased mobility and travel as more and more children attend a school that is not simply their nearest.

84. The draft Bill's Regulatory Impact Assessment states that current school transport legislation acts as a barrier to parental choice for families who cannot afford to send their children further than the local school: 'effectively there is less parental choice for children from low income families, who are less likely to have a car available for the school run or to be able to meet the cost of bus fares'.⁷¹ It thus explicitly claims to promote parental choice in the admissions system.

85. If more parents chose to send their children to the local school, it would be reasonable to expect a corresponding decrease in home to school transport distances. **The Secretary of State for Education and Skills has said that the main aim of the draft School Transport Bill 'is the encouragement of people to go to their local neighbourhood school and, therefore, to travel less in the whole approach, which is a question of our other policies on quality of schools'.⁷² The Secretary of State's interpretation of the Bill's objectives seems directly to conflict with Government policies on diversity of schools and parental preference, which increase mobility.**

86. When we presented him with this contradiction, the Minister in charge of the Bill, Mr Stephen Twigg MP, told us:

⁷⁰ ST 20 and ST 24.

⁷¹ 'Background'.

⁷² Oral evidence to the Transport Select Committee, School Transport inquiry, HC 318-ii, Q 207.

“Clearly there is a tension there. I think there is a tension rather than a contradiction between the policies, because we have made very clear that we want to ensure that all of the schools are good enough that someone who wants their child to go to the local neighbourhood school will be happy for their child to go to the local neighbourhood school. The reality is that for most parents that is what they want, but there will be those who want to make other choices, for example, faith schools, and then I think we need to have a system that has sufficient flexibility in it to enable those choices to be exercised by parents. Does more choice mean that it is more likely that children will travel a bit further? Overall, yes, I think it does mean that, but I am not sure it means it on quite the scale of the increase we have seen over the last 20 years in the car use to school.”⁷³

87. Not only did we detect a ‘tension’ in the Government’s policy initiatives, we also discovered a ‘tension’ within the Bill itself. The partial Regulatory Impact Assessment claims that the Bill will tackle the existing lack of choice for low-income families who cannot afford home to school transport costs, yet the draft Prospectus simply states ‘Our legislation will protect children from low-income families who attend their nearest suitable school’.⁷⁴ The Explanatory Notes accompanying the draft legislation explain that “Pupils from low income families may not be charged for travel arrangements made under the scheme unless suitable arrangements are made for the pupil to attend a school nearer his home”.⁷⁵ **The draft Bill makes no legal requirement for children from low-income families to receive free transport to any school which is not their nearest school. It is therefore hard to see how the Bill will extend parental choice to low-income families.**

Faith schools

88. Although the draft Bill does not require pilot authorities to provide transport to any school other than the nearest available school, it does encourage LEAs to satisfy parents’ preference for a denominational or, in Wales, a Welsh-medium school wherever possible:

“Provided it is economic and practical to arrange for them to attend the school of their parents’ choice, LEAs should ensure that transport arrangements support the denominational or linguistic preference their parents have expressed.”⁷⁶

Despite this assurance, representatives of faith schools told us that the introduction of charges proposed by the draft Bill would make it harder for parents to choose a denominational education for their children and would result in a limitation of parental choice across the board. Furthermore, those pupils previously transported free of charge by bus might be more likely to travel by private car if charges were imposed, assuming their parents had the financial resources to do this.⁷⁷ Rev. Canon David Whittington, National

73 Q 509

74 Paragraph 21.

75 Paragraph 13.

76 Draft Prospectus, Paragraph 22.

77 Q 271

School Development Officer for the Church of England, said that this would make it harder for Church schools to resist what he termed “the drive to the middle-class”.⁷⁸

89. Representatives of the Catholic Education Service and of the Church of England also argued that subsidised home to school transport for pupils attending their schools was a right enshrined both in legislation and in custom. The “dual system” of education funding, which emerged from the Education Act 1944, saw the Churches paying 15% of their schools’ costs (now reduced to 10%) and school place planning that sited faith schools so as to cover the largest catchment area possible. When school transport legislation was drawn up in 1944, a specific clause allowing for the discretionary provision of transport to faith schools was inserted as a corollary of this system. Discretionary free transport has been provided in many areas for over sixty years.

90. As school transport legislation stands now and as it would remain after the passage of the draft Bill in its present form, there is no legal requirement to provide subsidised transport to a faith school which is not a child’s local school. Many of our witnesses expressed the erroneous, but widely-held belief that the draft Bill would require transport to be provided to a child’s ‘nearest suitable’ school. This gives undue prominence to the process by which the suitability of a school is determined. In fact, the wording of the draft legislation simply requires “suitable arrangements” to be made for transport to the child’s “nearest school”.

91. Currently, there is a trend towards the reduction of discretionary transport provision as more and more local authorities seek to recoup at least part of their costs by charging for transport to denominational schools.⁷⁹ Nevertheless, given the long-standing existence of such transport in many areas, the withdrawal of an existing subsidy would no doubt cause an outcry in this politically sensitive area—one that could potentially result in a legal challenge.

Human rights

92. The draft Bill’s Prospectus identifies a risk of discrimination where some families are charged for transport that is provided free of charge to others. It advises that LEAs:

“...must ensure that if pupils from low-income families whose parents adhere to a particular faith or philosophy, and who have expressed a preference for a particular school as a result of the religious or philosophical beliefs (or in Wales because of the language of instruction), are treated differently from other pupils from low-income families, the different treatment does not amount to discrimination which cannot be objectively justified. So LEAs must consider carefully the position of these pupils. Provided it is economic and practical to arrange for them to attend the school of their parents’ choice, LEAs should ensure that transport arrangements support the denominational or linguistic preference their parents have expressed.”⁸⁰

78 ST 10

79 ST 1

80 Paragraph 22.

93. This advice to LEAs has a legal basis. Article 14 of the European Convention on Human Rights guarantees that enjoyment of the human rights set forth in the Convention must be secured without discrimination on any ground. Although the Convention does not require LEAs to provide free school transport, if an LEA chose to do so, Article 14 would prohibit this being done on a discriminatory basis.

94. The Committee heard evidence that some LEAs have provided free transport to enable children to attend denominational schools in preference to a closer non-denominational school but that they have refused to provide transport to enable children to attend a non-denominational school, in preference to a closer denominational school. Mr Ian Abbott, a parent from Lancashire, told us that his daughter, an atheist, did not wish to attend the local Christian denominational school, but wished to travel to a school further away with no denominational affiliation. Although the local authority generally provided subsidised transport to denominational schools on the grounds of faith, it refused to provide transport to a non-denominational school on the grounds of atheism.⁸¹ Mr. Abbott challenged this decision as amounting to discrimination. Mr. Abbott's case is still to be resolved, but his experience suggests that some LEAs have misunderstood the statutory position and may have provided free transport on a discriminatory basis.

95. The Committee recognises that there are no 'secular' schools: all schools must hold a daily act of worship. Nevertheless, some parents are strongly of the opinion that a denominational school would not be appropriate for their children and prefer to place them in a school with no such affiliation. **A parent who expresses a strong philosophical view that a denominational education would not be appropriate for their child is in a similar legal position to one who expresses a strong preference for denominational education. Guidance issued to LEAs should clarify that different treatment in this case could amount to discrimination.**

96. In some respects, the guidance provided to LEAs in the Prospectus may even have added to the existing confusion over the requirement that free school transport should not be provided on a discriminatory basis. In particular, paragraph 22 concludes by stating that "LEAs should ensure that transport arrangements support the denominational or [in Wales] linguistic preference [...] parents have expressed". This does not include "philosophical preference", thereby implying that LEAs need not provide equivalent arrangements for parents wishing to send their children to non-denominational schools. **In order to reduce the potential for discriminatory practices, and to clarify the legal situation under the Human Rights Act, guidance to LEAs must make clear that where transport arrangements exist to support parents' denominational preferences, they must also cater for strongly held philosophical preferences.**

97. Some witnesses expressed concern that those families living within a pilot area would benefit from transport provision denied to those just across a local authority border. In such a case, although one family would have access to services denied to another, no single public body could be shown to have discriminated against those in its area. However, the proposals within the draft Bill would also enable a single LEA to establish a pilot within only part of its area. If this led to people living in one particular part of a LEA having access to benefits to which others in the same authority did not have access, we could foresee the

possibility of a legal challenge on the grounds of discrimination.⁸² The material published with the draft Bill makes no mention of this possibility. **The Government should investigate the possibility of Human Rights breaches based on pilots running in a restricted area of a local authority and issue guidance to LEAs based on its findings.**

98. Given the evidence we have heard demonstrating confusion over the human rights implications of the provision of free school transport, we are disappointed by the statement in the Prospectus that:

“Where LEAs are unsure whether or not their proposed policies are ECHR compliant, we recommend that they seek a legal opinion before submitting their schemes to DfES or the Welsh Assembly Government for approval.”⁸³

99. **The human rights implications of school travel schemes are complex and we have found evidence of existing confusion over legal obligations. In this context, the guidance given to LEAs in the draft Prospectus is woefully inadequate. It is unacceptable simply to state that local authorities should take legal advice before submitting their applications. The Government should provide clearer guidance to LEAs on those school transport practices which it considers would be discriminatory, particularly as the Secretary of State could be subject to legal action for approving any discriminatory scheme. The Government should pay heed to the recommendations of the Joint Committee on Human Rights on the draft Bill when drawing up this guidance.**

82 Joint Committee on Human Rights, report on the draft School Transport Bill (forthcoming).

83 Paragraph 23.

4 Encouraging change

100. The increase in car use on the school run has built up over a long period of time. These long-standing habits will be hard to break. The structure of pilots aims to allow for experimentation with the hope of discovering effective schemes that will change patterns of behaviour. Clearly, it is impossible to judge the effectiveness of pilots until they have been in place for a number of years. As Patrick Coleman of the LGA said, “That is the trouble with an enabling Bill allowing for experimentation and innovation. You cannot say what is going to happen until you suck it and see”.⁸⁴ However, our inquiry has identified a number of motivating factors that are likely to affect the success of school travel schemes, not all of which are fully taken into account by the draft Bill as it stands.

Pupils

101. Many of the journeys made from home to school by private car are of a distance of less than two miles and, as the Secretary of State has affirmed, a major part of the Government’s school travel initiative is the encouragement of pupils to walk or cycle to school rather than being driven by their parents. The Committee is of the view that, in order for this to happen, pupils must be given positive incentives to change their behaviour. It should not simply be assumed, for example, that pupils will automatically start cycling just because bicycle sheds are provided. **We would like to see more in the draft Bill’s prospectus and in guidance to local authorities encouraging schemes which directly reward pupils for adopting sustainable and healthy forms of transport by walking and cycling (e.g. through discounts on local activities, tokens, etc.).** Schools will clearly have an important role in this process and could also put measures into place which discourage car use, for example by applying charges for parking or working with LEAs to set up car-free zones around schools.

102. Our evidence suggests that participation rates for travel schemes are likely to be improved if the transport provided also caters for after-school or pre-school activities. Families will be unlikely to purchase bus passes if the only bus home leaves the school at the end of afternoon lessons and leaves pupils attending clubs or sporting activities or even visiting a friend after school stranded. This is an important consideration as Government policy aims to open up school facilities to local communities. The ‘extended schools’ initiative, set out in the Green Paper, *Every Child Matters*, will see schools expanding their facilities with activities such as breakfast clubs taking place outside traditional school hours. **Government plans to promote the extended school day are a complicating factor when planning school transport provision. The Secretary of State should carefully consider the requirements for transport for the extended school day when assessing applications to run travel schemes.**

103. Travel schemes will also need to take account of the provision necessitated by the flexible curriculum. The Government’s support for the findings of the Tomlinson Interim Report suggests that pupils aged 14-19 will increasingly move between institutions in order to receive specialised instruction, often of a vocational nature.⁸⁵

84 Q 330

85 Department for Education and Skills, *The Interim Report of the Working Group on 14-19 Reform*, February 2004.

Already, the increasing number of specialist schools are expected to share their expertise with other schools in the area. Without a commensurate enhancement of transport provision, these developments could be seriously jeopardised.

104. The Committee has received encouraging evidence on the potential to expand distance learning, made possible by new technology.⁸⁶ In the future, schools will increasingly be working with other institutions in their area, sharing expertise and allowing pupils to benefit from specialised teaching and facilities. This sharing does not necessarily mean that large numbers of students need to be bussed significant distances. **Distance learning programmes could reduce the need for travel between educational institutions during the school day and we urge the Government to promote such programmes through the school travel schemes proposed in the draft Bill.**

105. The draft Bill's prospectus states that travel schemes must 'consider the needs of all pupils in their area'.⁸⁷ However, it has little to say about the provision of transport for pupils post-16. Some students post-17 choose to drive themselves to school and the potential for these students to participate in school travel schemes would appear to be high. Particular difficulties affect this sector; for example, in some areas students over the age of eighteen are unable to share transport with school-age pupils due to regulations designed for child protection. **We see little evidence that the specific issues surrounding post-16 provision have been seriously considered in the run-up to the draft Bill and urge the Government to carry out further work in this area.**

Parents

106. In our discussions with parents the Committee has heard time and again that safety is the prime consideration in choosing the method by which their children will travel to school. The safety of the school bus was a particular concern. Although statistics suggest that travel by private car is a considerably less safe option than travel by bus, many parents expressed the fear that school buses are unsafe. Whatever the statistics, such a widespread perception will endanger the success of travel schemes using school buses. Dr Chris Howard, Headteacher, Lewis School, Pengam, whose daughter was involved in a road accident on a school bus, told us "what matters here is public opinion. My daughter will not travel by school bus again or will only very reluctantly do so."⁸⁸ We received repeated assurances from the Department for Transport and from local government that school buses are roadworthy and undergo regular checks for safety, but our evidence corroborates the conclusions of the Transport Select Committee and the Education and Lifelong Learning Committee of the Welsh Assembly that school buses are often among the oldest vehicles on the road and that their cosmetic appearance does little to inspire the confidence of parents. Conversely, yellow bus schemes have proved more popular with parents who are on occasion willing to pay a small charge for the use of new, clean and reliable vehicles. **We agree with the recommendations of the Transport Select Committee that safety should form a prominent part of the Government's school transport initiatives.**⁸⁹

⁸⁶ Qq 130, 285

⁸⁷ Paragraph 3.

⁸⁸ Q 196

⁸⁹ Conclusions and Recommendations 10 and 11.

107. Poor pupil behaviour on buses was cited by parents as another major concern.⁹⁰ Not only can this endanger the safety of passengers as drivers are distracted or equipment vandalised, it also makes for an unpleasant experience for other pupils travelling on the bus. There is some confusion over who exactly is responsible for ensuring good pupil behaviour on school buses. Dr Chris Howard outlined the situation:

“The LEA contracts out the service on a dedicated bus or it may purchase places on a fare-paying vehicle within a travel plan but it is contracted out to a provider and the LEA then says safety is the provider's domain. The provider in practice is split between the driver, who may or may not report an incident, and the transport manager, and the transport manager, if he or she becomes aware of the incident, then has to decide what to do about it. Invariably they will contact the school not the education office because the school is seen to be the authoritative part of the system. When schools are told about misbehaviour they do react at school level but if it is persistent then the school has to say to itself, ‘What then can I do about it?’ and school headteachers will often say, ‘It is not my responsibility now, it is the Education Department's,’ but unless there is a secure chain of reporting into the Education Department then the appropriate authority, the LEA, may not know about the misbehaviour. In other words, the misbehaviour has to be chronic and persistent until the LEA is in a position where it is called upon to intervene and then what does it do. Within South Wales for example there are some LEAs who will say that a child is statutorily entitled to free transport to school in any eventuality and whatever he or she does on the way to school on a bus we cannot alter that, so misbehave on the bus one day, you still travel on the bus the next. Other authorities will try to remove the transport for a day or a week or even longer in the same way that they might exclude a pupil from school, but the legal ability to do that is unclear and if challenged they would be in some difficulty.”⁹¹

The Government should take this opportunity to clarify the legal position of LEAs who wish to withdraw transport from pupils displaying persistent poor behaviour on buses.

108. The Government must issue guidance to LEAs setting out the extent of their responsibilities and powers in relation to pupil behaviour on buses. The provision of CCTV or escorts on school buses may be one way to improve behaviour. Escorts could be provided by schools or by the bus operator, but must have adequate training and a clear remit in terms of powers.

109. Concerns also emerge from the classification of ‘safe walking routes’. At present, LEAs determine whether there is a ‘safe walking route’ to school for a child accompanied as necessary and must provide transport if no such route exists. But parents may not always agree with the LEA’s assertion that a route is safe. The Committee heard of international examples, such as Denmark, where steps have been taken to codify the definition of a ‘safe route’; an example cited by the Transport Select Committee in their report.⁹² **The Government should consider the viability of issuing national guidance as to what**

⁹⁰ Qq 192–99, 399.

⁹¹ Q 209

⁹² ST 9

constitutes a ‘safe walking route’⁹³ taking into account elements such as the existence of a continuous pavement, lighting or pedestrian crossings.

110. Whatever school travel schemes do to improve home to school transport provision in local authorities, it must be recognised that many parents will still find it more convenient or more cost-effective to drive their children to school. Research indicates that over 60% of home to school car trips form part of a longer trip, usually to the parent’s place of work. This factor will be outside the control of most local school travel schemes, which will have to find innovative means of persuading parents that it is healthier for their children to walk or cycle relatively short distances to achieve significant mode transfer. **When assessing scheme applications, the Secretary of State must take into account not only the scope of transport provision proposed, but also the ways in which the LEA will attempt to persuade parents that even if they continue to use their cars in the morning rush hour, it would be beneficial for their children to travel to school by a more healthy and sustainable mode of transport.**

LEAs and schools

111. Evidence from some areas suggests that staggering school hours can result in significant efficiency savings as the same bus can be used more than once during the peak morning and afternoon period. This practice has been particularly successful on the Isle of Wight (although the Island presents a very specific geographic case) and evidence submitted to us by the Association of Transport Co-ordinating Officers claimed “major efficiency gains can only be made by co-ordination of school opening and closing hours as part of integrated approach to delivering school transport within a scheme”.⁹⁴

112. Local government representatives told us that the co-operation between different schools that would be required in order to achieve successful and effective staggering of school hours could only be guaranteed if local authorities were given discretionary powers to co-ordinate opening hours and to require schools to participate in organised programmes.⁹⁵ We appreciate that travel schemes based on the staggering of school hours could be endangered if a single school decided not to co-operate with a programme accepted by all the others in its area. However, schools should retain the power to set their own hours. **Well-run schemes should be based on wide consultation with schools as well as other stakeholders and should have secured agreement about their proposals. If the evaluation of pilots shows that there are important gains to be made through staggering hours, a process by which co-operation and coordination can be further encouraged can then be considered.**

Bus operators

113. As the report of the Transport Select Committee makes clear, both local government and bus operators have lobbied for greater flexibility in relation to school transport contracts.⁹⁶ The proposed deregulation would require changes to the Transport Act 1985,

93 Conclusions and Recommendations 5.

94 ST 19

95 ST 19, Qq 349, 350.

96 Paragraphs 38–40.

which the draft School Transport Bill amends by providing for the suspension of section 6 so that bus services taking paying children, provided under school travel schemes, do not have to be registered with the Traffic Commissioners. The DfT also intends to introduce a regulatory reform order which would amend section 90 of the 1985 Act to increase the maximum length of tendered services from five to eight years.

114. The deregulated framework in England outside London may make it difficult to fully integrate school and public transport services. For example, while local authorities have the power to introduce tendered public services or school services to supplement the existing network, the majority of bus services are provided commercially and are registered routes with timetables determined by the operators. These may be modified or withdrawn subject to notice of 56 days (eight weeks), a much shorter period than the school year.

115. Representatives of the LGA have also argued that current legislation on competition and the restriction of post-tender negotiations prevent local authorities from sitting down with operators and planning the provision of home to school transport in an integrated and efficient way. Mr Twigg told us that work was underway to integrate further changes to transport legislation into the final Bill and doubtless our colleagues on the Transport Select Committee will follow up their work to ensure that the Government has taken account of their recommendations in this area.

116. Although greater deregulation may aid school travel schemes we also note that greater regulation can result in an improved service. Our witnesses expressed admiration for the regulated bus network that currently exists in London, which is used by many pupils.⁹⁷ Low-price bus passes can be purchased and since January 2004, children up to the age of ten travel free of charge. The recently re-elected Mayor of London has further declared his intention to extend free travel to students up to the age of eighteen when travelling to and from their school or college. **London's regulated bus network is a special case, due to the numbers involved, but we consider that other large cities could benefit from similar arrangements; we therefore urge the Government to examine a means of implementing such arrangements more easily in other areas.**

5 Conclusion

117. Home to school transport is clearly in need of attention. The increasing number of children who are driven to school each day causes traffic congestion and pollution and endangers children's health. Current school transport legislation dates from 1944 and is unsuited to the twenty-first century. In this context, we are surprised that the Government has not made more of this opportunity to legislate. In its present state, the draft Bill does little to encourage those LEAs who are not tackling the issue of school transport to initiate new schemes, whilst unduly limiting the freedom and resources available to those areas that are already innovating.

118. **The Government seems confused as to the objectives of its draft Bill. The Secretary of State has said that it will encourage more children to walk or cycle to their local school, yet this does not sit easily with Government policies to increase diversity in schools and to allow for the expression of parental preference: an approach that encourages greater mobility. Pilot schemes are required to reduce congestion, but this target is not quantified and no mention is made of the significant health, environmental and educational benefits that improved home to school transport could bring. In addition, we have found no evidence that reliable monitoring and evaluation systems are in place to assess the results of the pilots. The draft Bill's central proposal to pilot schemes tailored to local circumstances, which may include charging, is sound. It must be accompanied by a more radical overhaul of legislation, which would allow schemes to adapt school transport strategies to today's social and technological context.**

Conclusions and recommendations

The state of school transport

1. We are convinced that action is urgently needed to improve home to school transport, which suffers from outdated legislation, spiralling costs and a worrying trend towards the use of individual private cars, presenting risks to the environment and to children's health and wellbeing. We also note that asking parents to express a preference as to which school their child should attend becomes a redundant exercise if suitable transport is not available to enable children to attend the chosen school. We have therefore sought to scrutinise the draft Bill in order to determine whether or not it presents an appropriate response to the rapidly worsening situation. (Paragraph 28)

Pilots

2. We recommend that the Government places an expectation on all local authorities, not just pilot authorities, to promote walking and cycling to school. (Paragraph 32)
3. Local authorities should be required to include the promotion of walking and cycling to school as part of their travel scheme proposals. (Paragraph 33)
4. If basic entitlements to transport are to be retained on the grounds of distance, income or special educational needs, this must be clearly and explicitly written into the Bill. This would allow local authorities to conduct experimental pilot schemes whilst meeting their obligations to particularly vulnerable groups. (Paragraph 36)

Funding of pilots

5. It may be possible to use existing transport resources more economically through integration and rationalisation, but the Government's raw figure of £2 billion is highly misleading and should not be quoted as a measure of the funding available to local authorities for school travel schemes. (Paragraph 38)
6. Compared to the large Government subsidy given to some transport schemes, the request from local authorities for £100,000 of pump-priming funding for the life of a scheme seems miserly. (Paragraph 42)
7. We believe that there is a good case for pump-priming funding to be provided in some form to school travel schemes approved under the terms of the Bill. (Paragraph 44)
8. Evidence from all sides has shown us that the draft Bill is not currently perceived as a cost-cutting measure, but as a genuine opportunity to develop alternative approaches to home to school transport. If the Government wishes to perpetuate this perception, it should seriously consider providing funding to the schemes. (Paragraph 44)

Monitoring and evaluation

9. The DfES has told us on numerous occasions that it adopts an evidence-based approach to the development of policy. The draft School Transport Bill offers an ideal opportunity for the Department to demonstrate its commitment to this approach. (Paragraph 46)
10. The draft Prospectus states that all schemes must aim to ‘cut car use’ on the school run. This target is unhelpful: the removal of a single car from the road would technically fulfil this criterion, yet few would judge this a successful result. This imprecision also makes local authorities’ task of preparing applications for pilot schemes harder than it need be. (Paragraph 47)
11. We would urge the Department to consider the viability of setting targets for the evaluation of school travel schemes using relative measures, such as a percentage decrease in congestion near schools or in the number of children travelling to school by car. (Paragraph 48)
12. In the light of the wide range of potential benefits to be gained from improved home to school transport, the stated prime criterion of reducing car use seems too narrow in scope. (Paragraph 50)
13. School travel schemes should be required to measure their impact on low income families and on disabled pupils and pupils with special educational needs. This requirement should be explicitly spelt out on in the Bill’s Prospectus and in guidance given to LEAs. (Paragraph 51)
14. The Government must first decide exactly what it is attempting to achieve by means of the draft Bill and then establish a rigorous monitoring and evaluation framework to assess the effectiveness of pilot schemes in achieving those objectives. Schemes that begin without proper monitoring systems in place will not produce reliable results and will jeopardise the credibility of the project as a whole. (Paragraph 55)

The Draft Regulatory Impact Assessment

15. The draft Partial Regulatory Impact Assessment is a significant weakness of the draft Bill as it stands. The purpose of a Regulatory Impact Assessment (RIA) is to provide “an assessment of the impact of policy options in terms of the costs, benefits and risks of a proposal”. A partial RIA should have worked-up options, developed thinking on compliance and monitoring and refined cost and benefit estimates. The draft School Transport Bill’s Partial RIA does not fulfil this function and does not currently provide an adequate basis for pre-legislative scrutiny. (Paragraph 56)
16. There is much work to be done to produce a robust Final Regulatory Impact Assessment that will accompany any School Transport Bill presented to Parliament. As Cabinet Office guidance indicates, RIAs should not be considered a mere formality, but should provide a thorough cost-benefit analysis of the Bill’s proposals and an assessment of any risks to the effectiveness of its provisions. (Paragraph 59)

Timescale

17. 2011 seems a very long time to wait for a solution to be found to school transport that can be implemented nationwide. We therefore recommend that the Department looks into the possibility of running shorter pilot schemes or of evaluating currently existing initiatives to determine what works best. This Committee has heard of much good practice that could already be spread more widely. (Paragraph 61)
18. The conclusion and evaluation of the school travel schemes should be the occasion for a report to Parliament. (Paragraph 64)

Charging

19. We consider that an exemption based on ability to pay is generally speaking a fairer charging policy than one based on an arbitrary cut-off distance. But we have serious reservations about the adequacy of ‘free school meals’ as a definition for the category of protected children. (Paragraph 67)
20. We urge the Department to ensure that the schemes it approves give proper consideration to income-based eligibility for free transport. It is our view that a more sophisticated entitlement than ‘free school meals’ should be developed using alternative measures such as the working tax credit. (Paragraph 68)

Special Educational Needs

21. The shift to ‘mainstream’ transport for children with special educational needs should not erode individual provision where it is necessary for those pupils with severe needs or particular conditions, which make sharing transport particularly inappropriate. Equally, it cannot be assumed that pupils can simply be switched from taxis to public buses overnight—substantial support must be provided. (Paragraph 72)
22. School travel schemes may well find that there are savings to be made through the integration of passenger transport services and by placing SEN pupils on ‘mainstream’ transport. These are not ‘quick-fix’ solutions or appropriate to all circumstances; these schemes will require careful development and planning. (Paragraph 74)
23. The provision of transport for pupils with special educational needs is not given adequate consideration in the draft School Transport Bill and its supporting material. SEN transport should be a priority for school travel schemes set up under the terms of the Bill. Schemes will have to offer a complex range of transport facilities to suit the broad spectrum of need covered by the term ‘SEN’ and costs will necessarily increase as services get better at providing for pupils with the highest level of need. (Paragraph 77)
24. Whether guidance is produced as part of this Bill or in a separate SEN strategy document, the Government should set out LEAs’ responsibilities in regard to pupils with special educational needs and parents’ entitlement more clearly. (Paragraph 77)

Fairness

25. The way in which the revenue gained from transport charges is spent will be specific to a local area. The Department should be alert to local conditions which may create inequities. (Paragraph 78)
26. We recommend that the pilot schemes set up under the draft Bill investigate the setting of local walking distances. At the conclusion of the travel schemes, the Department should consider the possibility of setting revised statutory limits, taking into account age, the safety of the route and the time it would take to walk. (Paragraph 80)

The effect of charging on car use

27. Our evidence suggests that an improvement in the level and quality of service is necessary for charging to succeed. A simple overnight increase in costs is likely to cause unacceptable increases in car use. Schemes proposing the introduction of charging should be carefully evaluated and monitored to measure their impact on car use. (Paragraph 82)

Diversity and mobility policies

28. The Secretary of State for Education and Skills has said that the main aim of the draft School Transport Bill ‘is the encouragement of people to go to their local neighbourhood school and, therefore, to travel less in the whole approach, which is a question of our other policies on quality of schools’. The Secretary of State’s interpretation of the Bill’s objectives seems directly to conflict with Government policies on diversity of schools and parental preference, which increase mobility. (Paragraph 85)
29. The draft Bill makes no legal requirement for children from low-income families to receive free transport to any school which is not their nearest school. It is therefore hard to see how the Bill will extend parental choice to low-income families. (Paragraph 87)

Human rights

30. A parent who expresses a strong philosophical view that a denominational education would not be appropriate for their child is in a similar legal position to one who expresses a strong preference for denominational education. Guidance issued to LEAs should clarify that different treatment in this case could amount to discrimination. (Paragraph 95)
31. In order to reduce the potential for discriminatory practices, and to clarify the legal situation under the Human Rights Act, guidance to LEAs must make clear that where transport arrangements exist to support parents’ denominational preferences, they must also cater for strongly held philosophical preferences. (Paragraph 96)

32. The Government should investigate the possibility of Human Rights breaches based on pilots running in a restricted area of a local authority and issue guidance to LEAs based on its findings. (Paragraph 97)
33. The human rights implications of school travel schemes are complex and we have found evidence of existing confusion over legal obligations. In this context, the guidance given to LEAs in the draft Prospectus is woefully inadequate. It is unacceptable simply to state that local authorities should take legal advice before submitting their applications. The Government should provide clearer guidance to LEAs on those school transport practices which it considers would be discriminatory, particularly as the Secretary of State could be subject to legal action for approving any discriminatory scheme. The Government should pay heed to the recommendations of the Joint Committee on Human Rights on the draft Bill when drawing up this guidance. (Paragraph 99)

Encouraging change

34. We would like to see more in the draft Bill's prospectus and in guidance to local authorities encouraging schemes which directly reward pupils for adopting sustainable and healthy forms of transport by walking and cycling (e.g. through discounts on local activities, tokens, etc.). (Paragraph 101)
35. Government plans to promote the extended school day are a complicating factor when planning school transport provision. The Secretary of State should carefully consider the requirements for transport for the extended school day when assessing applications to run travel schemes. (Paragraph 102)
36. Travel schemes will also need to take account of the provision necessitated by the flexible curriculum. The Government's support for the findings of the Tomlinson Interim Report suggests that pupils aged 14–19 will increasingly move between institutions in order to receive specialised instruction, often of a vocational nature. Already, the increasing number of specialist schools are expected to share their expertise with other schools in the area. Without a commensurate enhancement of transport provision, these developments could be seriously jeopardised. (Paragraph 103)
37. Distance learning programmes could reduce the need for travel between educational institutions during the school day and we urge the Government to promote such programmes through the school travel schemes proposed in the draft Bill. (Paragraph 104)
38. We see little evidence that the specific issues surrounding post-16 provision have been seriously considered in the run-up to the draft Bill and urge the Government to carry out further work in this area. (Paragraph 105)
39. We agree with the recommendations of the Transport Select Committee that safety should form a prominent part of the Government's school transport initiatives (Paragraph 106)

40. The Government should take this opportunity to clarify the legal position of LEAs who wish to withdraw transport from pupils displaying persistent poor behaviour on buses. (Paragraph 107)
41. The Government must issue guidance to LEAs setting out the extent of their responsibilities and powers in relation to pupil behaviour on buses. The provision of CCTV or escorts on school buses may be one way to improve behaviour. Escorts could be provided by schools or by the bus operator, but must have adequate training and a clear remit in terms of powers. (Paragraph 108)
42. The Government should consider the viability of issuing national guidance as to what constitutes a 'safe walking route', taking into account elements such as the existence of a continuous pavement, lighting or pedestrian crossings. (Paragraph 109)

Parents

43. When assessing scheme applications, the Secretary of State must take into account not only the scope of transport provision proposed, but also the ways in which the LEA will attempt to persuade parents that even if they continue to use their cars in the morning rush hour, it would be beneficial for their children to travel to school by a more healthy and sustainable mode of transport. (Paragraph 110)

LEAs and schools

44. Well-run schemes should be based on wide consultation with schools as well as other stakeholders and should have secured agreement about their proposals. If the evaluation of pilots shows that there are important gains to be made through staggering hours, a process by which co-operation and coordination can be further encouraged can then be considered. (Paragraph 112)

Bus operators

45. London's regulated bus network is a special case, due to the numbers involved, but we consider that other large cities could benefit from similar arrangements; we therefore urge the Government to examine a means of implementing such arrangements more easily in other areas. (Paragraph 116)

Conclusion

46. The Government seems confused as to the objectives of its draft Bill. The Secretary of State has said that it will encourage more children to walk or cycle to their local school, yet this does not sit easily with Government policies to increase diversity in schools and to allow for the expression of parental preference: an approach that encourages greater mobility. Pilot schemes are required to reduce congestion, but this target is not quantified and no mention is made of the significant health, environmental and educational benefits that improved home to school transport could bring. In addition, we have found no evidence that reliable monitoring and evaluation systems are in place to assess the results of the pilots. The draft Bill's

central proposal to pilot schemes tailored to local circumstances, which may include charging, is sound. It must be accompanied by a more radical overhaul of legislation, which would allow schemes to adapt school transport strategies to today's social and technological context. (Paragraph 118)

Annex A

The tables below, compiled by Professor Peter White, specialist adviser to the Committee, illustrate what might happen if charges were imposed where home to school transport is currently provided free of charge in four possible scenarios. The figures shown are not forecasts, since there is very little 'hard' data available at present on the impacts of charging, but suggest a range of outcomes. As there is little firm evidence on responses to imposing prices where bus travel is currently provided free, a range of assumptions is made.

A base case and four possible scenarios are shown. The base is taken from the existing Department for Transport percentages for modal split,⁹⁸ weighted by age group for 11–16 year olds, for a notional 1,000 pupil secondary school. The details of this base are set out in table one.

Table two compares the base case to four possible pilot scenarios. In the base case, four buses are needed for the statutory pupils, at a cost of £600 per day. There is no revenue generated. Case A represents an improved bus service of the 'Yellow Bus' type, attracting some shorter-distance passengers currently using car, walk and bicycle. A charge of 50p per trip is made, but there is no price resistance from those currently travelling free of charge (a rather optimistic assumption). Some five buses are needed, but the net cost is reduced as a result of fares revenue, to £473 per day. Case B represents a similar improved bus service, which charges 25p per trip, attracting more car, walk and cycle trips. Again, there is no price resistance. Pupils moved by bus rise slightly, and net cost at £605 per day is very similar to the base case. Case C represents a bus service with same characteristics as in Case A, but price resistance causes 20% of bus trips over 3 miles to shift to car. Net cost is reduced to £267 per day, because of fares charged. There is a net increase in car use. Case D repeats Case A, but a charge of £1 per trip is made, producing greater price resistance. Net cost is reduced to £70 per day, but there is an increase of 80 pupil trips by car per day.

Cases A and B represent positive outcomes, but could be dependent on rather optimistic assumptions about the lack of price resistance by those now travelling free of charge, and attractiveness of improved buses to those now using cars. Some diversion from walking and cycling would also be likely to occur. Cases A and B are close to what might be hoped to arise from intentions of the Bill. However, the assumed car diversion would rely on a high proportion of the car trips not involving onward travel to work, etc. diverting to bus. Cases C and D produce much less favourable outcomes, and even these could be optimistic in terms of price resistance.

'Neutral' outcomes are assumed in two respects:

- a) Travel by rail. If this is by season tickets purchased for eligible scholars by LEAs, similar outcomes to the bus case could arise, dependent on availability of suitable rail links but predicting changes in costs is much more difficult. Additional peak costs for rail capacity are normally much higher than for bus.

- b) Use of buses below 3 miles. This is considerable (46% of trips for 2–3 miles), for which payment is currently made (except SEN). Where the new bus services divert pupils currently using conventional buses, they may gain from a lower fare (but higher public expenditure would thus arise), and also more convenience. Marginal costs of extra peak capacity are probably similar whether conventional or special services are provided. In many cases, where commercial services are augmented to accommodate peak school demand over this distance, the extra journeys may already be tendered (albeit falling under the local authority’s transport budget, rather than the LEA budget as such).

Table 1: Split by mode and distance for a notional secondary school

	Base	Case A	Case B	Case C	Case D
<1 mile					
Walk/Bicycle	290	290	290	290	290
Car	20	20	20	20	20
Sub-total	310	310	310	310	310
1–<2 miles					
Walk/Bicycle	135	115	108	115	128
Bus	37	74	83	74	49
Car	55	38	36	38	50
Other	3	3	3	3	3
Sub-total	230	230	230	230	230
2–<3 miles					
Walk/Bicycle	26	22	21	22	25
Bus	60	77	80	77	65
Car	42	29	27	29	38
Other	2	2	2	2	2
Sub-total	130	130	130	130	130
3–<5 miles					
Walk/Bicycle	4	4	4	4	4
Bus	104	104	104	83	62
Car	32	32	32	53	74
Other	10	10	10	10	10
Sub-total	150	150	150	150	150
5+ miles					
Bus	119	119	119	95	71
Car	36	36	36	60	84
Other	25	25	25	24	24
Sub-total	180	180	180	180	180
Total	1000	1000	1000	1000	1000

Table 2: Cost of bus service and car volume change

	Base	Case A	Case B	Case C	Case D
Pupils moved	223	278	290	233	151
Buses run	4	5	5	4	3
Bus cost/day	600	750	750	500	375
Revenue	0	278	145	233	302
Cost/pupil/day	£2.69	£2.25	£2.15	£2.15	£2.46
Net cost/day	£600	£473	£605	£267	£70
Car volume change					
Car pupil trips change		-30	-34	15	81
Car vehicle trips change (@1.5)		-20	-23	10	54
Car vehicle trips change (@1.75)		-17	-19	9	47
Car vehicle trips change (@1.5) – rounded		-20	-23	10	53
Car vehicle trips change (@1.75) – rounded		-17	-20	9	45
Car vehicle trips change per day (@1.5)*		-80	-92	40	212
Car vehicle trips change per day (@1.75)*		-68	-80	36	180

* assumes all are purely school escort trips, with empty run to/from home in each peak.

Results

Case A : Improved bus service, charge 50p per trip, attracts 30% of car trips and 15% of walk trips 1–3 miles.

Case B : Improved bus service, charge 25p per trip, attracts 35% of car trips and 20% of walk trips 1–3 miles.

Case C : Improved bus service, as case A, but 20% of bus trips over 3 miles switch to car.

Case D : Improved bus service, charge £1 per trip, attracts 10% of car trips and 5% of walk trips 1–3 miles, but 40% of bus trips over 3 miles shift to car.

‘Neutral’ effects assumed for existing bus use under 3 miles (in revenue and costs).

Assumptions

- Relates to mainstream pupils only, secondary school age group.
- Basic cost per bus per day of £150 (includes capital charges, overheads, shift for part-time driver).
- Capacity per bus is 60.
- Average pupil occupancy for cars is shown as 1.5 or 1.75 in loaded direction.
- Total pupils in school 1000.
- Base mode split within each distance band is from Department for Transport Personal Travel Factsheet 2, January 2003, but weights by age group are derived from Annex E in ST 1.
- 'Other' is mostly rail and assumed not to be affected by policy changes.

Values have been rounded to whole numbers.

Formal minutes

Monday 28 June 2004

Members present:

Mr Barry Sheerman, in the Chair

Mr David Chaytor

Mr Kerry Pollard

Paul Holmes

Jonathan Shaw

Helen Jones

Mr Andrew Turner

The Committee deliberated.

Draft Report (The Draft School Transport Bill), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 118 read and agreed to.

Summary agreed to.

Annex agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Wednesday 30 June at 9.15 am]

List of witnesses

Wednesday 31 March 2004

Mr Peter Housden, Director General, Schools and **Ms Penny Jones**, Divisional Manager School Transport, Safety and Independent Education Division, Department for Education and Skills, and **Mr Peter Openshaw**, Head of Bus Partnership and Regulation Branch, Buses and Taxis Division, Department for Transport.

Wednesday 5 May 2004

Mr Tim Davies, Chairman, Association of Transport Co-ordinating Officers, **Ms Sheena Pickersgill**, Director of Corporate Services, West Yorkshire Passenger Transport Executive (Metro), **Mr Geoff Gardner**, Travel Awareness Officer, North Yorkshire County Council, **Mr John Sykes**, Principal Engineer, Hertfordshire County Council, **Mr Allan Edmondson**, Head of Coach Services, Confederation of Passenger Transport, **Mr Steven Salmon**, Operations Director, **Ms Kathryn James**, Senior Assistant Secretary, Professional Advice, National Association of Head Teachers, **Dr Chris Howard**, Headteacher, Lewis School, Pengam, Caerphilly, **Mrs Dorothy Elliott**, Executive Member, National Governors' Council, **Mr Martin Ward**, Deputy General Secretary, Secondary Heads Association and **Mr Tony Neal**, Headteacher, De Aston School, Market Rasen..

Wednesday 12 May 2004

Mr Keith Porteous Wood, Executive Director, National Secular Society, **Ms Marilyn Mason**, Education Officer, British Humanist Association, **Mr Ian Abbott**, Parent, **Ms Oona Stannard**, Director and **Mr Martin Bradshaw**, Legal Adviser, Catholic Education Service, **Reverend Canon David Whittington OBE**, National School Development Officer, Church of England, **Councillor Tony Page**, Vice-Chair, Transport Executive & School Transport Working Group, **Councillor Ramon Wilkinson** Vice-Chair, Education Lifelong Learning Executive & School Transport Working Group and Councillor Patrick Coleman, Wiltshire County Council, School Transport Working Group, Local Government Association.

Thursday 13 May 2004

Mr Mike Hirst, Headteacher, Ravenscliffe High School, Calderdale, **Mr Steven Broach**, Assistant Director, Parents' Autism Campaign for Education, **Mr David Congdon**, Head of External Affairs, Mencap/Special Educational Consortium, **Ms Jill Harrison**, Director of External Affairs, Contact a Family/Special Educational Consortium, and **Mr David Butler**, Chief Executive, National Confederation of Parent Teacher Associations.

Wednesday 19 May 2004

Stephen Twigg MP, Parliamentary Under Secretary of State for Schools, Department for Education and Skills and **David Jamieson MP**, Parliamentary Under Secretary of State for Transport and Shipping, DVO Agencies and European Minister, Department for Transport.

List of written evidence

1	Department for Education and Skills	ST 1
2	Local Government Association	ST 2
3	Secondary Heads Association	ST 3
4	FirstGroup plc	ST 4
5	Transport for London	ST 5
6	Royal National Institute of the Blind	ST 6
7	Living Streets	ST 7
8	The Public Transport Consortium	ST 8
9	Parliamentary Advisory Council for Transport Safety (PACTS)	ST 9
10	Catholic Education Sector	ST 10
11	National Association of Head Teachers	ST 11
12	Mencap	ST 12
13	Special Educational Consortium	ST 13
14	Parents Autism Campaign for Education	ST 14
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17	British Humanist Association	ST 17
18	Ordnance Survey	ST 18
19	Association of Transport Co-ordinating Officers	ST 19
20	Runnymede Borough Council	ST 20
21	North Yorkshire County Council	ST 21
22	National Union of Teachers	ST 22
23	Hertfordshire County Council	ST 23
24	West Yorkshire Passenger Transport Executive (Metro)	ST 24
25	National Governors' Council	ST 25
26	Confederation of Passenger Transport UK	ST 26
27	Ian Abbott	ST 27
28	Jeremy Browne, Carers First	ST 28
29	Buckinghamshire Parents for Comprehensive Education	ST 29
30	National Secular Society	ST 30
31	Church of England	ST 31
32	Supplementary evidence from: West Yorkshire Passenger Transport Executive (Metro), Hertfordshire County Council and North Yorkshire Council	ST 32
33	Professor Roger Mackett, Centre for Transport Studies, University College, London	ST 33
34	National Education Consortium	ST 34
35	National Assembly for Wales	ST 35
36	National Confederation of Parent Teacher Associations (NCPTA)	ST 36
37	Stephen Twigg MP, Parliamentary Under Secretary of State for Schools	ST 37
38	Southern Vectis	ST 38
39	Association of Transport Co-ordinating Officers	ST 39